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INVESTIGATIONS  
OF THE  
POLICE DEPARTMENT

CITY OF NEW YORK

1891

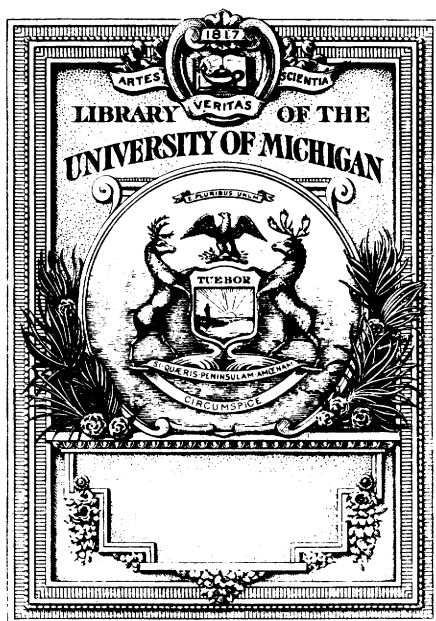
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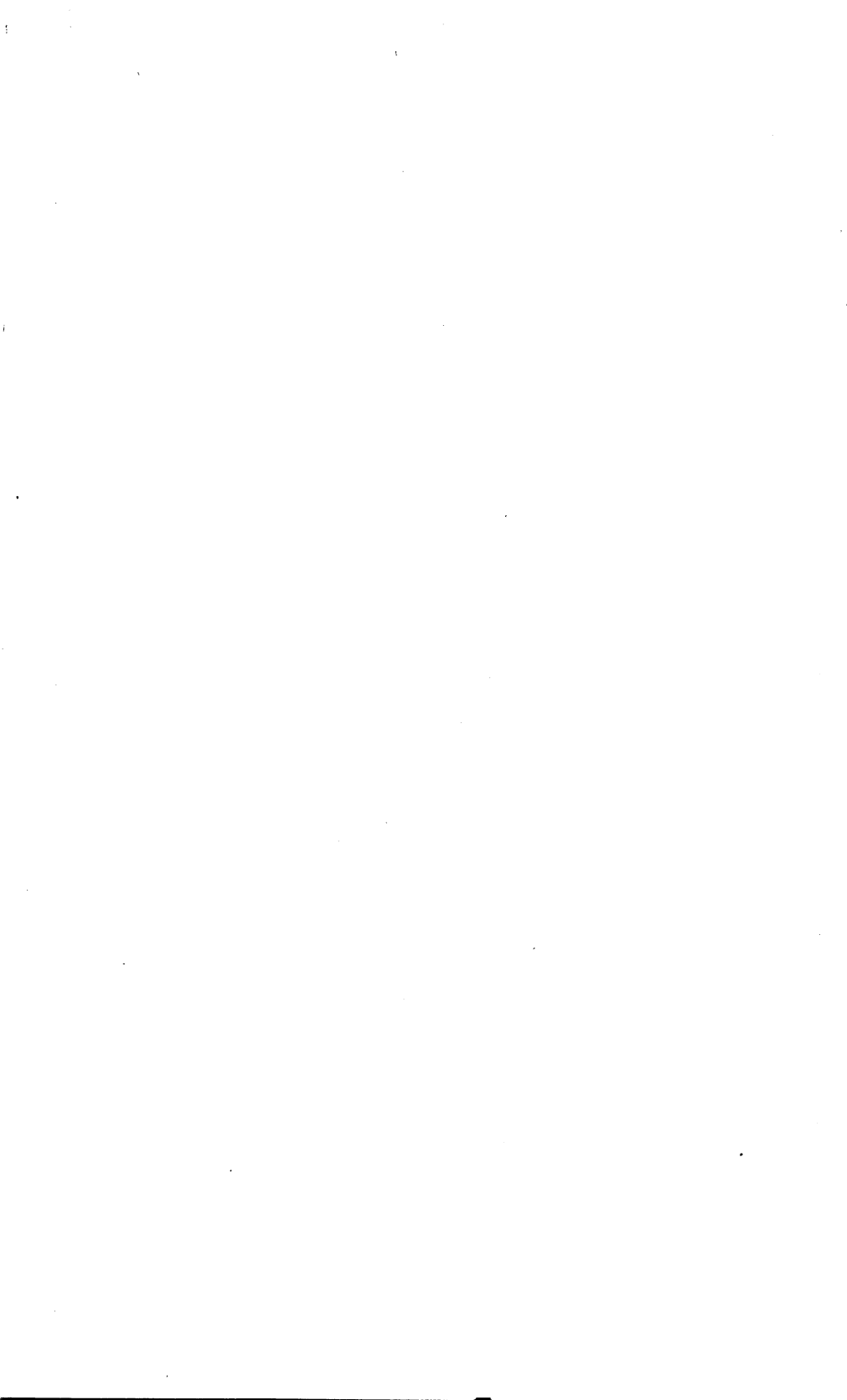


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1895







*New York (State) Legislature, Senate, Committee  
on Police dept. of the city of New York.*

# REPORT AND PROCEEDINGS

OF THE

## SENATE COMMITTEE

APPOINTED TO INVESTIGATE

# THE POLICE DEPARTMENT

OF THE

## CITY OF NEW YORK.

### VOL. IV.

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TRANSMITTED TO THE LEGISLATURE JANUARY 18, 1895.

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INVESTIGATION  
OF THE  
POLICE DEPARTMENT  
OF THE  
CITY OF NEW YORK.

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Proceedings from October 18 to December 11, 1894.

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Q. When you are the principal stockholders in those companies and can not tell this committee where you could get any additional stock or who holds any additional stock, how could a customer of yours do it? A. I guess he could do it, if he made the inquiry.

Q. You were asked to make these inquiries last night; you have not been able to furnish any additional information upon the subject this morning? A. Not very much.

By Mr. Moss:

Q. There is a little mystery about this still, Mr. Fulton; I want to see how any one could make any money, either the customer or yourself, and in order to make it clear will you be so kind as to either buy or sell; go through the operation as it is done in your place, and I will call the quotations? A. I can explain that for you.

Q. V. 494 5-8; now what will you do as a customer? A. I can explain that to you.

Q. Will you explain it in that way; V. 494 5-8; will you buy? A. Whatever you say.

Q. It is for you to say; do you tell the customer to buy or sell? A. No, sir.

Q. Which will you do, sir? A. Well, I will sell.

Q. You will sell V. at 494 5-8; how much of it? A. Well, 500 shares.

Q. Now, where does the money come in? A. The receiving clerk gets it.

Q. Do you pay money to the receiving clerk? A. The customer would have to put up at least one per cent. margin.

Q. How much do you put up? A. At least one per cent. margin.

Q. How much would that be? A. Five dollars.

Q. You have sold 494 5-8, 500 shares of V, and you put up \$5; now, comes L, 331 3-4, M, 333 1-2, L, 332 1-2, M, 432 5-8, L, 432 1-8, V, 494 3-4; now what do you do; it was 5-8; now it is 3-4; what would you do? A. I wouldn't do anything.

Q. What do I do as the dealer, anything? A. As the dealer?

Q. Yes, I am taking your position, now? A. The customer has his privilege to do as he pleases.

Q. How? A. The customer can hold the deal as long as he pleases.

Q. Does he have to put up more money now? A. No, sir.

Q. That \$5 still holds good? A. Yes, sir; most assuredly.

Q. Well, now comes M, 433 1-8?

Q. Now, you say, that a customer can keep that transaction alive as long as he pleases; is that true? A. Yes, sir.

Chairman Lexow.—Just follow out this line Mr. Moss.

Q. Then he can keep it alive until the next day, can he? A. Until the next day?

Q. Yes? A. That night we would either deliver the stock to him or he would deliver it to us.

Q. In other words, you compel him, after he has made his transaction, to complete that transaction on figures that you, yourself, have made upon that tape during the day; is that a fact? A. Yes, sir; but the following morning he can buy or sell at identically the same price and go right on from that.

By Mr. Moss:

Q. The next quotation in V, is 494 1-2; does that require the customer to do anything to protect it? A. No, sir.

Q. Nothing at all until the next day? A. Sir?

Q. He doesn't have to do anything at all until the next day? A. Yes, sir; he might.

Q. What might he do? A. He could close it out with a profit or a loss.

Q. Now, let us take it the other way; at V 494 5-8, you buy; now, what do you do; do you put up money? A. Yes, sir.

Q. Now, the next quotation, V comes out 494 3-4; does that require you to pay anything; when it comes out at 494 1-2, do you have to do anything to protect yourself? A. No; not yet.

Q. You mean to say, that it is really buying or selling the stock you hold? A. Yes, sir.

Q. And if the purchaser or seller does not complete his contract, you keep the money that he has put up? A. No, sir; I don't say that: any time he calls the trade he gets the money he puts up.

Q. If he doesn't call the trade? A. He can close.

Q. How? A. He steps to the closing window and says, "I sell out" or "buy out."

By Chairman Lexow:

Q. As the quotation comes out, the customer can go to the counter and say, "I will sell that at the quotation that appears afterward upon the list"? A. Yes, sir.

Q. As it appears? A. As it appears; and he can draw out.

Q. And the fact is, that he has either got to deliver the stock or he has got to close it at one of the quotations made by you on the tape the night before? A. If he will take the stock and pay for it he can carry it out for a month, as I have had customers do.

Q. You don't mean to say that you would sell to a man a certificate of stock that you say you don't know that you paid more than \$100 for a month ago for \$4,950; would you consider that an honest and honorable transaction? A. I don't ask anybody to buy those stocks.

By Mr. Moss:

Q. What do you have your office for if you don't ask people to buy and sell stocks? A. Not unless they wish to buy.

Q. Then you invite them; you have your office open for that purpose? A. I have my office open for business; I have never invited a customer to buy and sell.

Q. Don't you think your open door and all your opportunities for trading is an invitation? A. They have the privilege of coming in if they wish.

Q. That is an invitation, isn't it? A. I wouldn't consider it that way with them; it is entirely optional.

Q. If a man does not complete his contract the money that he has paid you remains in your pocket, doesn't it? A. Not necessarily.

By Chairman Lexow:

Q. Well, what is the reservation about it? A. It is just like any speculation; if you gentlemen have ever speculated in any stocks, it is exactly the same, precisely the same, and I think you are all familiar with it; nearly all New Yorkers are.

Q. In other words, do you mean to say that an ordinary stock speculation in this city consists in putting up the night before quotations upon a tape list known to the person who is dealing with those individuals who come into the office? A. I was not referring to the prices, but to the manner in which we do business.

By Mr. Moss:

Q. Don't men stand around this tape and bet money themselves; wager sums of money as to whether the next quotation will be up or down? A. Never to my knowledge.

Q. Will you say that that has not taken place? A. Never to my knowledge.

Q. Will you say that that has not taken place frequently? A. I would say that I would not allow a thing like that.

Q. Could it have taken place without your knowledge? A. There could be a possibility.

By Chairman Lexow:

Q. Why wouldn't you allow it; would the reason be that then you would not make the money, but the customers would make it between themselves? A. No, sir.

Q. Instead of betting with you, in other words, they would be betting between themselves, isn't that so; that would be the fact? A. They would not be buying or selling any stocks.

By Mr. Moss:

Q. Do you know a man named Meason or Maleson, or some similar name? A. No, sir.

Q. A customer of yours? A. I don't recognize the name.

Q. A man having an office somewhere in the vicinity of 60 Broadway? A. No, sir.

Q. Never heard of him? A. I never heard of him.

Q. Let me ask you the question; is not a man of that name or a similar name a capper for you? A. No, sir.

Q. Don't you have a capper in your business? A. I never did in my life.

Q. Are there not men who come into that place and buy and sell, or make profits, which are not paid to them? A. No, sir; most emphatically.

Q. Men in your connection? A. No, sir.

Q. You say that most emphatically? A. Yes, sir.

Chairman Lexow.—Mr. Moss, where are you going to bring in the police, except so far as they should have prevented transaction of business.

Mr. Moss.—If Sergeant Hogan were here I would put him on the stand. I have examined these certificates which are

in my hand over night. I find that the certificates of the five active stocks were all dated on the same day, all signed by the same president and the same secretary, all made to the same individual, H. C. Sellon, trustee; all indorsed in blank by Mr. Sellon on that day or a blank day; that the forms in three causes were exactly the same; that the numbers upon the certificates are similar and that the nine which occurs in Madison, and the nine which occurs in Edwardsville, and the nine which occurs in Alton on a different form, have the same imperfections, even the red rubber stamp letter. Three of those are in the same printing office and two are from another printing office, and the seals on those five certificates are of the same type and style.

Chairman Lexow.—You can add to it that none of them contain the addresses or places of business of the respective companies, or the place where the certificates were signed.

Mr. Moss.—That is true. In the other four certificates there are some better indications that they are genuine certificates, but they are for small amounts. The Legal Tender Mining Company represents \$2,000. The IXL represents \$1,000. The Pedro represents \$5,000, and the Carbonate represents \$5,000. Those figures are the par values. In the case of the five active stocks, the Edwardsville represents \$30,000, the Madison, \$7,000; the Venice, \$8,000; the Lock Haven, \$18,000, and the Alton, \$5,000, par value.

William S. Fender, a witness called on behalf of the State, being duly sworn, testified as follows:

Examined by Mr. Moss:

Q. What is your address? A. Sixty-eight West Thirty-ninth street.

Q. Are you a director in the Stearns Commission Company?  
A. Yes, sir.

Q. What office do you hold? A. Secretary and treasurer.

Q. You are the Fender? A. My name is Fender, yes, sir.

Q. Are there any other directors? A. Yes, sir.

Q. How many others? A. There are five directors.

Q. Do you know their names? A. Yes, sir.

Q. Besides you and Mr. Valentine who else are there? A.  
Mr. J. H. Townsend, St. Louis, and Mr. Barrett, of St. Louis.

Q. What is his first name? A. Thomas E. Barrett.

Q. Of St. Louis? A. Yes, sir.

Q. Who else? A. Mr. Maynard, of New York.

Q. What is his first name? A. Alonzo Maynard I think.

Q. Do you know Mr. Sellon on whose certificates you have been selling? A. No, sir.

Q. Never heard of him? A. I have heard of him, but I don't know who he is; that is, I don't know him personally.

Q. How long have you been connected with this company? A. Since we opened here.

Q. Were you with it when it opened up town? A. Yes, sir.

Q. Did you see any police officer in the place up town? A. Yes, sir.

Q. Who did you see there? A. There was a man came in; I don't know who he was; shortly after there was another man came in, or at least my attention was called to another man, and I was told it was the captain of that precinct; I didn't know his name at that time.

Q. Do you know it now? A. I have heard it was Captain Schmittberger; that is all I know about it.

Q. Didn't he have a detective with him? A. There was one other man with him; I don't know who he was.

Q. Did you tell Mr. Valentine that he called? A. I think Mr. Valentine was out of town at the time; I don't know whether I spoke to him afterward or not.

Q. What did Captain Schmittberger say? A. He came in and wanted to know what we were doing there; he said there was a report in one of the morning newspapers that we were not doing a legitimate business, and he wanted to see if it was so or not.

Q. Anything else? A. No, sir.

Q. Did he investigate it? A. Except that I showed him what the business was and explained to him fully as I knew how.

Q. Did you explain it to him just as Mr. Valentine has done; you have heard Mr. Valentine's testimony here? A. As much as I could.

Q. Do you agree with it as far as you heard it? A. Some of it might have missed me; so far as I know anything about it I agree with it.

Q. Did Captain Schmittberger give you any directions? A. No, sir.

Q. Did he tell you to stop business? A. No, sir.

Q. Although you explained it to him that we were doing what I consider a legitimate business; you explained the methods of your business to him? A. As near as I could.

Q. You showed him the tape-roll? A. He saw that.

Q. You showed it to him? A. Yes, sir.

Q. He examined the quotations? A. Yes, sir.

Q. Did he see the stocks? A. I don't know that he saw any stocks.

Q. Did he ask to see them? A. I couldn't swear to that; I don't remember; he might have asked it and he might not; I don't think I showed him any stocks; he might have asked if we had it and I might have told him that we did have it.

Q. Did he tell you you might go on with the business? A. He didn't say whether we could or whether we couldn't.

Q. He didn't tell you to stop? A. No, sir.

Q. Did he ask you for any money? A. No, sir.

Q. Sure of that? A. I am.

Q. Did the detective, the man that was with him, ask for any money? A. No, sir.

Q. Did anyone ask you for any money? A. No, sir.

Q. Why did you discontinue business in Twenty-eighth street? A. We didn't discontinue business there until two months afterward.

Q. Why did you discontinue business? A. Because it didn't pay; we couldn't get business enough to pay our expenses.

Q. Did you see any policeman at the Edison building? A. No, sir.

Q. Never heard from the police since you have been there? A. No, sir.

Q. Never had any investigation made? A. Not to my knowledge.

Q. You have been there all the time, haven't you? A. No, sir.

Q. How much of the time have you been there? A. Well, I am in and out; I can not say how much I had been there; it might have been during the time we were running up at Twenty-eighth street; I was part of the time up there and part of the time down here.

Q. While you were out Mr. Valentine was in, wasn't he? A. Not necessarily.

Q. Who had charge besides you and Valentine? A. The officers there, and every man did his duty, there was no particular man in charge.

Q. You and Valentine are the head men, aren't you? A. That is, we have charge of this business.

Q. You have control of it, you two men here? A. We are acting managers of the business; yes.

Q. You are the heads of it? A. We are the acting managers of it.

By Chairman Lexow:

Q. Who is the head then? A. Mr. Valentine is president.

Q. You absolutely refused to say that you were the heads and said you were the acting managers; who are the heads? A. Mr. Valentine is president.

By Mr. Moss:

Q. If any police officer had been investigating in the Edison building you would know it now, wouldn't you? A. Not necessarily.

Q. Do you know of any complaint having been made against you there? A. To whom?

Q. To any one; any police official or justice? A. No, sir.

Q. Has anyone been arrested from your place? A. No, sir.

Q. Have you been with Mr. Valentine in this business for some time in other cities? A. Yes, sir.

Q. In San Francisco? A. I was an employe of his in San Francisco.

Q. What happened to the business there? A. He left there; closed it up and went to Chicago.

Q. Why did you leave? A. I couldn't tell you; you had better ask him.

Q. It was in Butte City, too, wasn't it? A. I understood he was there; I was not there.

Q. The business has not been committed in those cities, has it? A. I don't know.

Q. You were in San Francisco? A. Yes, sir.

Q. You know there was an outcry against it there, don't you? A. There was some little complaint made, I believe.

Q. And it was ordered to be moved? A. That I don't know; I was nothing but an employe there.



**Q.** But you knew what was going on? **A.** Not necessarily; **an employe does not always know what —**

**Chairman Lexow.**— From the fact that he states that there was an outery and that it was removed, I think we can draw **our own conclusions.**

**By Senator Bradley:**

**Q.** This man said he was secretary and treasurer; what is the other name of the Harry that Valentine spoke of? **A.** Harry Crotty.

**Q.** Where does he live? **A.** That I couldn't tell you.

**Q.** Does he live in New York? **A.** I think he does; I am not sure.

**Q.** Did you see ever any other certificate of stock of that Venice Mining Company before that one we have here in evidence? **A.** No, sir.

**Mr. Moss.**— Is the county clerk represented? (No answer.)

**Mr. Moss.**— We have sent for the certificate of incorporation.

**William Craig,** a witness called on behalf of the State, being duly sworn, testified as follows:

**Examination by Mr. Goff:**

**Q.** You have been playing at this game down in New street at the Electrical building? **A.** Yes, sir.

**Q.** Have you played at it more than once? **A.** Yes, sir.

**Q.** And have you invariably lost? **A.** Well, the average has been a loss; yes, sir.

**Q.** When did you play last? **A.** Sometime in the fore part of October.

**Q.** How much money were you fleeced out of then? **A.** Oh, several hundred dollars.

**Q.** Did you recognize that as a regular gambling game? **A.** Yes, sir; so regarded.

**Q.** And it is so regarded? **A.** Yes, sir.

**Q.** It is known in Chicago, is it not? **A.** Yes, sir.

**Q.** And regarded in Chicago as a regular gambling game? **A.** Yes, sir; it is treated the same as others.

**Q.** The same as faro and roulette and all these gambling

games? A. Those games I know nothing about, but I know this is regarded as the same kind of a game.

Q. Have you heard the percentage against the player? A. Yes; it has been figured out by experts in Chicago; at least, it has been published in the paper; the percentage against the player is about 75 per cent.

Q. Seventy-five per cent against? A. Yes, sir.

Q. Will you explain to the Senators —

By Chairman Lexow:

Q. Do you mean by that it is 3 to 1? A. It is 3 to 1; yes, sir.

Q. Three against you, and one in your favor? A. Yes, sir.

By Mr. Goff:

Q. Will you tell us how it is impossible for these quotations to be genuine? A. Well, they don't represent any actual property, and they are made up previous to being exposed on the board.

Q. Made up by the proprietor or the backer of the game? A. I presume so.

Q. There is something about the number of quotations and the hours in which the quotations are made? A. Yes, sir.

Q. Will you explain that to us? A. Do you mean the hours of business?

Q. Yes? A. The hours of business are from 10 to 5, and the number of quotations on each stock is about 300 per day; that would make 1,500 for the five stocks.

Q. Now, you say the business kept up until 5 o'clock; you are aware, of course, that the Exchange closes at 5? A. Yes, sir.

Q. And all the quotations close at 3? A. Yes, sir.

Q. Well, from 3 to 5, there can not be any genuine quotations quotations are not created, of course, by competition in buying and selling; they are made beforehand, several days ahead.

Q. It is simply a betting game? A. Exactly.

Q. Did you ever hear that cappers were employed around there, or stool-pigeons? A. Yes, sir.

Q. For the purpose of running up the investment of betting? A. No; I haven't heard that.

Q. After you lost these \$295, did you see the police captain of the precinct? A. Yes; I called upon him.

Q. For what purpose? A. Well, after watching and playing the game, I concluded it ought to be closed, so I saw Captain Hogan in relation to that.

Q. When? A. That was about a week ago last Monday.

Q. What did the captain say? A. Well, he said that he was glad that I called, that he had been anxious to get just such evidence as I had, and he wanted me to go up to the police court and swear out warrants against the proprietors; I objected to that slightly, but finally, I agreed to do it; we went up to the court, but the police justice refused to issue a warrant without corroborative evidence; that, of course, I didn't have.

Q. A new rule of evidence, requiring corroboration in gambling or swindling game; so the matter rests there? A. Yes, sir.

Chairman Lexow.—On the ground that the witness was an accomplice, I suppose, and his testimony would have to be corroborated.

Mr. Goff.—And his testimony would have to be corroborated, precisely?

By Senator Bradley:

Q. What judge did you go before? A. To the Tombs police court.

Q. You don't know the judge that was presiding? A. I don't know of my own knowledge.

By Chairman Lexow:

Q. That was on what day? A. Monday, I believe, was too late; I think we went Tuesday morning.

By Mr. Goff:

Q. Have you observed the average number of men who play at that game there? A. Yes, sir.

Q. About what is the average number per day? A. The average number of occupants of the room, I should say, was from 100 to 150.

Q. Mr. Fulton has sworn here that 25 was the highest num-

way they fix some of the tapes in Chicago; I don't know how that is done.

Q. He said as to the number of people upon the floor? A. But there is a great deal other than that.

Q. How large are the premises or is the office where their business is conducted? A. It is a room 30 by 60, I should judge.

Q. Furnished like a board-room or stock-room? A. Yes, sir; furnished like a regular exchange-room.

Q. Does anyone get up and call out the quotations? A. Well, no; they are pulled out from this box.

Q. From this roll here? A. Yes, sir.

Q. This roll is in a tin box? A. Yes, sir.

Q. And that tin box is fastened and this comes out? A. It is exposed to view; it is raised above the desk about a foot or so.

Q. Explain to the Senators, as this tape comes out of the tin box, how do you place your bids? A. As the quotation comes out, it is placed on the board, which shows all the previous quotations; and a man makes up his mind whether he wants to buy or sell a certain stock at the last quotation; if he sells it, of course he bids that it is coming out lower the next quotation.

Q. So that it all results in the chance so far as the buyer is concerned? A. Pure chance.

Q. Of coming out on this roll of paper? A. Yes, sir.

Q. Dependent absolutely upon chance so far as the buyer is concerned? A. Absolutely.

By Chairman Lexow:

Q. If it depends simply on chance, how can it be figured out that it is three against the customer in four? A. Well, the commission is 12 1-2 per cent. if you win, and if you are frozen out, as they call it, at 7-8 of a point, that makes 25 per cent.; then the stock so fluctuates back and forth as to freeze out buyers and sellers.

Q. In other words, that tape is fixed up on a schedule of freeze out? A. Yes, sir.

Q. So that whether you buy or sell, you are bound in the ratio of chance to be finally frozen out? A. That is the idea.

By Mr. Goff:

Q. Are you aware that these numbers are devised and obtained by the shuffling of cards? A. I understand that is the

way they fix some of the tapes in Chicago; I don't know how that is done.

Q. This is really a reproduction of what is in Chicago? A. Yes, sir; the stock numbered exactly the same; the quotations come out from one-eighth to one-half of a point at a time; so that two quotations of a half a point or one quotation of one-half and one of three-eighths would freeze out where only one point is put up.

By Chairman Lexow:

Q. Would there be any difficulty in the way of the captain securing the evidence necessary for the conviction of these men without a warrant? A. That I don't know.

Q. Is there any obstacle in the way of a special officer in citizen's clothes going into that exchange? A. I should say no.

Q. The general public can go in there? A. They don't require any reference from anybody; you simply make your trade.

Q. If you were a police captain, do you think you would have any difficulty in establishing the facts that have been established here? A. That I don't know; I would not undertake to say from the standpoint of captain.

Q. Is there any obstacle in the way? A. Not the slightest.

Q. Any captain or patrolman, provided he didn't go there in uniform, could go into that room and possess himself of all the information you have spoken of? A. I think so; I didn't see any difficulty in the way.

Q. And so far as you know, after you gave the information you had to the captain of the precinct, has any attempt been made to secure the information? A. Yes; I believe he did instruct someone to get corroborative evidence; in fact, I know he did.

Q. Has it been secured? A. That I don't know; I haven't seen the party since.

By Senator Bradley:

Q. Did you purchase any of the stock? A. I made purchases; I made sales.

Q. Did you ever handle any of the stock; did you ever have any of it in your own hand? A. Any certificates you mean?

Q. Yes? A. No.

Q. You never got any of the certificates of the celebrated stock? A. No, sir.

By Chairman Lexow:

Q. Did you ever see anybody else get any? A. No, sir.

Q. It is a simple betting; that is all; isn't it? A. That is all.

Q. And so understood by all the customers and by the operators? A. Certainly.

By Senator Bradley:

Q. Do you consider this game any worse or any better than the green goods business? A. I don't know of any game of chance, Senator.

By Mr. Goff:

Q. There is no attempt whatever to secrete the work there? A. No, sir.

Q. It is open in broad light from 10 in the morning until 5 in the afternoon? A. Yes, sir.

Mr. Goff.—I wish to read the report of the superintendent of police recently submitted to the board, which says: "As to gambling, my investigations have shown me that there is no public gambling in this city at the present time. There may be isolated cases where gambling is carried on behind bolted and closed doors; but in a cosmopolitan city like ours isolated cases of gambling will always exist and run along quietly and secretly until the police obtain knowledge of their existence, when they can be suppressed."

Chairman Lexow.—We have not found out that this place has been suppressed.

Mr. Goff.—Mr. Valentine has testified that there has never been any attempt, to his knowledge, on the part of the police to investigate it.

**Walter D. Valentine, recalled, further testified:**

Examined by Mr. Goff:

Q. Are you doing business to-day? A. Yes, sir.

Q. Have you caught any gulls to-day? A. I am not catching gulls, sir.

Q. You are simply trapping them? A. No, sir; I am doing a legitimate business.

Q. Here is one of your victims who swears that the percentage of chances against him are as 75 to 25, and that the game is no better than cut-throat faro? A. You didn't have him explain it, did you?

Q. What? A. The percentage in our business is one-half what it is in the regular speculations on the New York Stock Exchange; we charge one-eighth commission, and there they charge a quarter.

Q. Along with fleecing your victims you get a commission? A. There is no fleecing about it.

Q. Did you answer Mr. Moss that you got your numbers from shuffling the cards? A. I said I didn't.

Q. Did you use the cards at all? A. No, sir.

Q. In connection with the business? A. In no way.

Q. Is there a pack of cards in the place? A. No, sir.

Q. How do you devise the numbers? A. Out of my mind.

Q. Arbitrarily? A. Arbitrarily.

Q. You must have a pretty fertile mind? A. You have also, Mr. Goff.

Q. Not in the way of bogus figures, Mr. Valentine, or representing bogus stock? A. Nor I.

Q. One of your victims has just sworn that all the stock you pretend to have is worthless; no solid foundation to it; he has also testified that between the hours of 3 and 5 it is impossible to get quotations of genuine stock and that, therefore, your quotations must be frauds; what have you to say to that? A. They are not frauds; they are simply an offer to buy or sell at these prices.

Q. What have you to say as to the quotations of the stock between 3 and 5 o'clock when the exchanges close? A. These are individual offers of my own.

Mr. Goff.—Captain Hogan, this committee wishes to call your attention to an open and notorious gambling place in your precinct, and to the responsibility that will rest on you if that place continues one hour longer.

Captain Hogan.—I would like to say to the committee that it is not my fault—

Mr. Goff.—I think I understand your position, captain, that you did the best you could under the circumstances.

By Chairman Lexow:

Q. Mr. Valentine, how many similar places of business are going on down there, business similar to yours? A. New street?

Q. Yes; how many businesses of a similar character are being conducted down there? A. In this particular line of mine?

Q. Yes? A. I am the only one.

Q. Or in any other stock or security line based upon the same general principle? A. Do you mean relative to the mining stock?

Q. Relative to any stocks or securities, grains, cereals or any other securities? A. There are a great many.

Q. Can you name any other? A. I am not familiar with the different businesses.

By Mr. Goff:

Q. Well, that place opposite yours? A. There are several right opposite.

Q. Right around there — a perfect nest? A. Several of them.

Chairman Lexow.—I think, now that the acting captain has the information; that there is no difficulty in securing the necessary information in regard to all similar kinds of business down there. All you have to do, captain, is to send somebody in citizen's clothes. The doors are open and the game is being carried on in the open daylight.

Captain Hogan.—I sent Officer Sullivan over with this man and the judge would not issue a warrant.

Mr. Moss.—This officer can apply to the superintendent of police, and the superintendent of police can issue his warrant. You have not got to wait to go to a police justice, captain. Throw the responsibility on Mr. Byrnes. I hand the stenographer a memorandum of the certificates of stock from which I read.

(The paper was marked Exhibit No. 1 of this date, and is as follows:

Sh. 5,000 — a \$60 — \$30,000 — Cap. S. \$60,000.

Edwardsville Manufacturing and Prospecting Company — (Ill.) 5,000 sh. a \$60 — Cap. S. \$60,000.

Cut 11. Louis Lecarey, Prest. C. J. Roentger, Sec.

Cut dated January 4, 1893 — to H. C. Sellon, Trustee and by Sellon January 4, 1893.

Sh. 1,000 a \$70 — \$70,000. Cap. S. \$70,000. Madison Mfg. & Prosp. Co. (Ill.) 1,000 sh. a \$70. Cap. S. \$70,000. Cut 9. Same president. Same secretary. Same date. Same holder. End same.



Sh. 1,000 a \$80 — \$8,000. Cap. S. \$40,000. Venice Mg & Prosp. Co, (Ill.) 1,000 sh. a \$80. Cap. S. \$40,000. Cut 9. Same president. Same secretary. Same date. Same holder. Indorser same.

These three cuts are on the same form, ostensibly "Torrey's" form. Same paper, same lathe work, same type, same color, same texture. The numbers of the cuts are in red, the mines correspond exactly even to imperfections. The dates of certificates and of powers of attorney are the same and in the same handwriting.

Lockhaven Mg. & Prospectg Co. Ill.

Cut 10. 2,000 sh, a \$90 — \$18,000. Cap. S. \$45,000.

Louis Le Carey, Prest. C. J. Roentger, Sec.

To H. C. Sellon, Trustee — Jan. 4, 1893.

Transferred same date, written in same handwriting.

Alton Mining & Prospecting Co. Ill.

(Same 9.) Cut 9, 1,000 sh. a \$50 — \$5,000. Cap. S. \$50,000.

(Same form.) Same president. Same secretary.

(As last.) Same holder. Same date.

Transferred same date, written in same handwriting.

Seal indecipherable.

The seals on these five cuts are of the same type and style.

Legal Tender Mining Co. Cut, No. 290. 200 sh. a \$10 — \$2,000. Colorado. Cap. S. \$3,000,000.

Date, November 5, 1887. D. Bloch, Prest, Wm. B. Dean, Sec.

To E. Marschuetz, Jr. Trans., signed in blank, November 5, 1887.

Looks genuine.

The I. X. L. Mining Co. Cut 488. 100 sh. a \$10 — \$1,000. Colorado, Cap. S. \$2,000,000.

Date, December 26, 1888. J. H. Chassing, Pr. R. J. Tunstall, Sec.

To P. J. McMorow. Trans. sd. in blank, no date.

Looks genuine.

Pedro Consolidated Mg. Co. Cut 317.500, sh. a \$10 — \$5,000. Colorado. Cap. S. \$2,500,000.

Date, March 9, 1889. President.— P. Langalier, Secretary.

To Weruse & Dickerman, trans. sd. in blank, March 14, 1889.

Looks genuine.

Carbonate Mining & Milling Co. Cut 93, 500 sh. a \$10.—  
\$5,000.

Ill. Cap S., \$2,000,000.

Date, May 23, 1889. A. M. Edwards, Prest. A. H. Geisel, Sec.  
To Weruse & Dickerman, trans. sd., in blank, no date.

Looks genuine.

Mr. Goff.—I wish to read to this committee from The New York Recorder, of Thursday, October 18th, a statement purporting to emanate from Mr Brodsky: "If the Lexow committee wishes me to throw more light on the \$3,000 counsel fees or any business pertaining to the association, I shall be happy to go into all details if the Senators will put me on the stand." Mr. Brodsky is a well-known lawyer in this city. He was here yesterday, in response to a subpoena. He left the court-room the moment his name was mentioned, and we have been trying yesterday evening and this morning to subpoena Mr. Brodsky. Now, I take this method of inviting Mr. Brodsky to come here and make good his promise, I understand that he has been in the vicinity of the court-house this morning.

Mr. Moss—Mr. Chairman, I want publicly and in your presence to hand these stocks back to Mr. Valentine, so that we may be relieved of the responsibility of their keeping.

(Mr. Moss handed Mr. Valentine papers.)

Mr. Dietrich Gronholz, a witness called on behalf of the State, being duly sworn, testified as follows:

Examined by Mr. Goff:

Q. You are a lodging-house keeper? A. Yes, sir.

Q. Where do you keep your lodging-house? A. Ninety-eight Sheriff street.

Q. How long have you kept a lodging-house? A. Since last January.

Q. Have you a permit from the board of health? A. Yes, sir.

Q. How many lodgers do you accommodate? A. About 30.

Q. Have you got your books with you? A. No, sir.

Q. Why did you not bring them? A. Well, I didn't know it was necessary.

Q. The subpoena said so? A. No, sir.

Q. Did you keep a register? A. Yes, sir.

Q. Is the register in your place now? A. Yes, sir.

Q. Why did you refuse to let the roundsman in your place the night before last? A. I didn't refuse him.

Q. How is it that the roundsman came to arrest you? A. Because I took the key out of the door; they were waiting on the sidewalk for me, and I had the key to lock up my private residence, and the officer and the roundsman come and says, "Do you keep boarders here, or a lodging-house?" I says, "No, sir; not in this house; what is it you wish?" "Well," he said, "I want to know how many votes you have got here;" I said, "About 30;" he said, "Well, I want to see them;" I said, "Well, here is my night watchman; he goes up with you and he shows you the book and the people;" he says, "I want you to go up yourself;" I says, "All right," and I wanted to take the key out of the door and lock the door up again; he got me by the shoulder, turned me around and smacked me in the mouth and then in the eye, and the officer came in the back and soaked me two in the head, and I stumbled across the sidewalk and fell against the wagon, held myself to the wheel, and they banged me right here in the chest; then after, the roundsman said, "Here, you son-of-a-bitch, you are not going to go upstairs; I am going to lock you up;" he took me to the station-house and told the sergeant that I got hold of him by the throat, which is not so; then, afterward, my friends came to bail me out; he says I insulted the officers; that they could not get me out.

Q. What friends were they? A. Alderman Clancy and a couple of more.

Q. Is Alderman Clancy a candidate for office now? A. I guess he is.

Q. Who is the other? A. Bluefield in Delancey street.

Q. Who else? A. And my son.

Q. Did Alderman Clancy bail you out? A. They said he could not get me out because I insulted the officer, and they took me to the court next morning, and I told the judge how it happened, how it was, and he discharged me.

Q. Was the alderman in court next morning? A. He did get there after, you know, later; he didn't come there in time.

Q. These lodgers that you have, 30 lodgers, have they been permanently in your place for the last 30 days? A. Some of them; not all.

Q. Do you mean to say that they would not let him go bail because you had insulted an officer? A. No, sir; they would not take bail.

Q. They wouldn't take bail? A. No, sir.

By Senator Bradley:

Q. Kept you in the cell all night? A. Yes, sir; without coat and everything; I was shivering like a leaf.

Q. Have you got your subpoena in your pocket? A. Yes, sir.

By Mr. Goff:

Q. Do you know who John Stock is? A. Yes; Stocky.

Q. What is he; or who is he? A. Well, he is living in the corner house, you know.

Q. What does he do for a living? A. Driver; well, he is doing several things.

Q. Is he not engaged in getting up a list of voters for the district? A. I couldn't tell you.

Q. Have you had any talk with him about the subject? A. No, sir.

Q. Have you and Frederick Hupley — did you ever hear of him? A. I can't remember.

Q. Well, he is one of your lodgers; he is registered from your house in Sheriff street; didn't you say to-day that he was a lodger in your house; didn't you say so right in this courtroom? A. Well, that ain't the right name then.

Q. Then pronounce the right name? A. Hupley, I don't know.

Q. Hoopley? A. Hooplitz.

Q. Why didn't you say that in the commencement? A. Well, that is a different name.

Q. Do you know Hooplitz? A. Yes, sir.

Q. How long have you known him? A. He is there since last winter living by me.

Q. How long has he been in America? A. I don't know.

Q. Can he speak the English language? A. Yes, sir.

Q. Do you believe he was born here? A. Yes, sir.

Q. Do you converse with him in the German or the English language? A. Well, speak English or German, just the way it comes.

Q. Now, with regard to these 30 lodgers; you say your lodging-house lets out beds at so much a night every night? A. Yes, sir.

Q. So that you can not tell from night to night who your lodgers are going to be? A. No, sir.

Q. You have no such thing as permanent occupants in your house? A. No, sir.

Q. So, as soon as the list is completed this night, you can not tell who you will have to-morrow night? A. No, sir.

Q. Some men who lodge to-night may not lodge to-morrow night? A. May not lodge to-morrow night.

Q. They are simply from night to night? A. Yes, sir.

Q. There is no such thing as these people engaging a room by the month? A. No, sir.

Q. Well, your beds, a number of them, are in one room? A. No; different lofts, you know, all numbered.

Q. I mean the beds are in the lofts; not in separate rooms? A. No, sir.

Q. How much do you charge for a night's lodging? A. Ten, 12 and 15 cents.

Q. What is the difference in the lodging between 10, 12 and 15 cents? A. Because it is all one; you are on some floors.

Q. What accommodations do you furnish for 10 cents? A. That is on the top floor near the roof.

Q. Do you give a bed? A. Regular cots, with blankets, sheets and everything.

Q. Your next greatest tent is 12 cents; where are the 12-cent luxuriates? A. That is on the second floor.

Q. And the 15 cents? A. On the first floor.

Q. I suppose these are occupied by the sybarites that come around every night? A. It is all the same; no difference in it, only a difference in the height, and it is warmer in the winter time.

By Senator Bradley:

Q. You say a difference in the height? A. They don't have to go up so many flights.

Q. The tall fellows don't have to sleep downstairs? A. No.

By Mr. Goff:

Q. What business were you in before you opened up this lodging-house last January? A. In the real estate.

Q. Did you ever run a lodging-house before? A. No, sir.

Q. Have you heard anything said by any person about the registration from your house? A. Some of them; yes, sir.

Q. Some of who? A. Of the lodgers.

Q. What have you heard from them? A. That they are going to vote.

Q. And they only spent a night in your place, and then they vote on that night? A. Not these people; they can not register; they can not vote.

Q. But you have sworn that your lodgers change from night to night? A. Not all.

Q. You said all? A. Not all.

Q. Now give us the names of some of them that do not change from night to night? A. Well, there is Carl Miller.

Q. How long has Carl Miller been with you? A. I couldn't tell you just exactly now.

Q. One month or two months? A. He is since I started; from the beginning up.

Q. He is not in your employ? A. No, sir.

Q. And he has paid from night to night? A. He has paid from night to night.

Q. Give us another name? A. I couldn't tell you the names so exactly without I have the book.

Q. Well, you bring down that book here to-day? A. Well, if I had known I would.

Mr. Goff.—I notify you now to bring your book here after recess.

By Chairman Lexow:

Q. You said before that you had no permanent lodgers; you used the word—no permanent lodgers; now, do you want to change that testimony and certify that you have permanent lodgers? A. I say that some change every night; not all.

Q. You know what the word "permanent" means? A. No; I don't know that.

Q. You know what the German expression "permanent" is, don't you; don't you know it is exactly the same word? A. No.

Q. You testified before that you had no permanent lodgers; do you mean to swear now that that was false? A. Yes, sir; I will swear that because I don't understand you.

By Mr. Goff:

Q. Then why did you swear to a falsehood? A. I didn't understand.

Q. Why, the Senator spoke to you in very clear English; you don't mean to say that you didn't understand what the chairman said to you, do you? A. That was no German, I didn't understand his words.

By Chairman Lexow:

Q. Have you ever heard the German word "permanent"? A. No, sir.

By Mr. Goff:

Q. You have heard no doubt that a number of inspectors and poll-clerks were sent to Sing Sing prison last year? A. I did.

Q. You heard about that? A. Yes, sir.

Q. You will bear that in mind? A. Yes, sir.

Q. And are you aware that if you keep a fraudulent lodging-crime upon the sufferage is guilty of a felony? A. Yes, sir.

Q. And are you aware that any person who aids or abets a house for the purpose of enabling fraudulent men to register and vote, that you yourself are guilty of a felony; are you aware of that? A. I know I am.

Mr. Goff.—Well, with that warning to you, we will excuse you until afternoon. It will be helpful for you, strong as you appear, to bear that fact in mind.

All the lodging-house keepers will remain until call.

Frank Martine, a witness called on behalf of the State, being duly sworn testified as follows:

Mr. Goff.—Is Mrs. William Martin in court? (No reply.)

Q. Is Mrs. F. E. Luthy in court? (No reply.)

Q. Is Mrs. David Lindo in court? (No reply.)

They are the wives of what are known as the lottery kings.

Chairman Lexow.—The stenographer will mark upon the record that those three names have been called at 12:30 and that the witnesses have failed to appear.

Examination by Mr. Goff:

Q. Are you a boot-black? A. Yes, sir.

Q. Did you have a boot-black stand? A. Yes, sir.

Q. Where? A. Sixty-seventh street and Third avenue.

Q. How long ago? A. Last March.

Q. Did you have a partner? A. Yes, sir.

Q. Now tell the Senators the transaction that you had with the police of the station-house in Sixty-seventh street? A. Last March I bought that place for \$100, corner of Sixty-seventh street and Third avenue, with the privilege to shine the shoes of

all the patrolmen in the station-house; after I had been there about a week or 10 days, the captain chased me out.

Q. The captain chased you out of the station-house? A. And so all them patrolmen they had in the station-house that came on the corner there to finish the balance of the month, and the first of the month everybody paid except two policemen.

Q. Who are those? A. One is Edward Gwinnen, and Looney; when I first asked Looney to pay me the first of the month he called me a vile name, and so he came pretty near to do the trick right there and then.

Q. What trick? A. He was going to slug me.

Q. Did he threaten to slug you? A. Yes, sir; he did; but he didn't do it at that time.

Q. What did he say when he threatened? A. I asked him to pay me what he owes me; he said, "I don't owe you anything;" I said, "I shined you down at the station-house;" he said, "You are a liar;" I said, "If you don't pay me I will tell the captain;" he said, "To hell with the captain;" I said, "I will report of the commissioners."

Q. What did he say about the commissioners? A. He told me "You get out of here, or I will smash you in the jaw;" one Saturday morning about 10 o'clock I was called down to the station-house by the doorman; he said, "The sergeant wants to get his shoes shined;" I told the sergeant all about it; I said, "A couple of policemen won't pay me what they owe me;" he said, "Have you got the names?" I said, "No; I have the numbers, but not the names;" he took the books and gave me the names; he said, "When they come along on the corner you ask them to pay you;" so one morning about a quarter after 8 I came around to the station-house —

Q. When was this? A. The 18th of April; so this Gwinnen came along; I said, "See here, ain't you going to pay what you owe me?" before that he was putting me off day after day.

Q. How much was it that he owed you? A. Seventy-five cents.

Q. For a month's bootblacking? A. Yes, sir; after I stopped him I says, "Gwinnen, why don't you pay what you owe me?" so he said, "The next time you stop me on my way going across the street I will smash you on the jaw, you dirty Italian son-of-a-bitch;" at the same time my partner got up and said, "Well, why don't you pay us?" at the same time he rushed up against my partner like a cyclone and struck him right and left with



his hand; and he had him all bleeding; I tried to step in between the two of them to separate them, and this Officer Looney came along from behind me and he grabbed me by the back of the neck and punched me between the eyes, and he said, "Let us pull the guinea in."

Q. Whom did he mean by the guinea? A. Well, he meant us two; so we went to the station-house, and they made a charge of disorderly conduct; they claimed that we were fighting each other, me and my partner.

Q. And both of you were cut and bleeding at this time? A. Yes, sir.

Q. Were the officers in uniform? A. All in uniform; when they went into the station-house, they told their story; and when I went to tell my story they wouldn't listen.

Q. Who wouldn't listen? A. The captain and the sergeant.

Q. The sergeant at the desk? A. Yes, sir; he said, "Take them up to the court."

Q. He heard the policemen's story and he wouldn't let you tell yours; is that it? A. Yes, sir; so after we left the station-house I was in charge of another officer; Looney remained in the station-house; another officer took me to the court, and Gwinnen took my partner along; when we got to the other side of the station-house, Sixty-seventh and Lexington avenue, this Gwinnen took off his belt, doubled it in two, and struck my partner in the face two or three times.

Q. You were then under arrest? A. Yes, sir.

Q. And on your way to the police court? A. Yes, sir; I appealed to the officer that had me, and I said, "Officer, tell him that he should not hit him any more;" so after he turned around my partner was a sight.

Q. How? A. All bloody.

Q. Were you brought to the police court, yourself and your partner, in that condition? A. Yes, sir.

Q. What police court? A. Fifty-seventh street.

Q. What was done there? A. They told the judge the same charge they had made in the station-house, and after I told my story, the judge discharged us; the next morning I went over to report that to Superintendent Byrnes.

Q. Did you see the superintendent? A. Yes, I saw him himself, and I told the story to him, and he says, "Well, they shall be punished."

Q. They shall be punished? A. That is what he said, and the trial came off the 9th day of May, at headquarters.

Q. Before the police commissioners? A. Before the police commissioners, and they adjourned the case two or three times so as to give them time enough to heal all the wounds my partner had on his face; so we engaged a lawyer for it; I had a lawyer named Henry Heyman or Hayman, and we gave him \$25, and after that trial came off there I never heard of it from that day to this.

Q. Never heard of the trial or its disposition from that day to this? A. No, sir.

Q. So far as you know there has never been a decision rendered by the commissioners? A. No, sir.

Q. What commissioners heard the testimony? A. President Martin; the following week I made another charge before the same judge that discharged us.

Q. Were you arrested again? A. No, sir; I made a charge against them for assault before the judge in Fifty-seventh street court.

Q. Before what judge? A. Voorhis, and when we appeared there my lawyer and his lawyer and the two officers, they went into a hallway there and they held a big conversation between the four, and when we came on the stand the result was that Looney was dismissed and Gwinnen was held by the grand jury.

Q. For the grand jury? A. By the time the judge examined us our lawyer went to sleep; I knew right away the jig was up.

Q. When the lawyer went to sleep? A. Yes, sir; he had his hands like this (indicating), and the judge was examining us.

Q. He might have been thinking? A. He was not thinking.

Q. You say one was held for the grand jury? A. Yes, sir.

Q. Were you ever summoned before the grand jury? A. I was summoned next day, and I showed that summons to that lawyer; I said, "Mr. Heyman, how about that?" I said, "I didn't get no subpoenas;" neither the witnesses got any subpoenas; I never knew anything about courts or juries, or grand juries; I had never been in those courts before; he said, "I don't know anything about that; you come down to my office to-morrow morning, and we will see about that;" we went down, and he said, "Now, what are you going to do; don't you want to drop that case?" I said, "What for?" he said, "He has been punished enough now, and he is willing to pay you all your expenses and

time lost;" I said, "I won't listen to no such proposition;" he said, "You take my advice; do as I tell you; if you don't you will lose your place;" I said, "To hell with the place; I want that case to come up;" he said, "Well, if I have to send those affidavits down to the district attorney, you will have to give me \$25 more;" he said, "You need not come up here any more without having more money;" I didn't go up from that to this; so what he done, I don't know; the next day he took us to court there, to the General Sessions, and he says to me, "Give me that subpoena;" he took that subpoena into another room there.

Q. You are speaking about your lawyer now? A. Yes, sir; he took us to the General Sessions, to the grand jury room, and instead of going into the right room he took the subpoena into his hand and went into another room; he said, "I will have this case adjourned for another week, so that you will have your witnesses before the grand jury;" he was trying to mix me up.

Q. Nothing came of the case? A. No, sir

Q. So far as you know, the policeman has never been indicted? A. He has been indicted.

Q. Has the indictment been tried? A. Not yet, and never will, if I depend on that lawyer.

J. Ward Childs, a witness called on behalf of the State, being duly sworn, testified as follows:

Examined by Mr. Goff: '

Q. What is your occupation? A. I am superintendent of the Bowery Mission Young Men's Home, 105 Bowery.

Q. How many years have you been so occupied? A. Nearly 14, the first of next month.

Q. You are pretty familiar with that neighborhood? A. Somewhat; yes, sir.

Q. Have you taken any interest in this lodging-house question coming on election times? A. Well, an ordinary interest; I always have.

Q. Can you tell us anything about it or the result of your investigations? A. In what direction?

Q. As to the planting of fraudulent voters in the lodging-houses of that neighborhood? A. I don't know that I can give much information; I am aware that that is carried on, but I have had very little knowledge of it personally; I know that, to my knowledge, nothing of the kind has been countenanced or known, so far as I know, in my own lodging-house.

Q. Of course, that goes without saying, Mr. Childs; I speak of the neighborhood; has it not been a matter of common rumor and notoriety in that neighborhood that great frauds have been perpetrated at election time from those lodging-houses? A. From some of them; I am informed that it is so.

Q. That is the common rumor and report in the neighborhood? A. To a certain extent, among some.

Q. You haven't taken any personal interest in the matter, have you? A. No, sir.

Mr. Goff.—Mr. Chairman, this is the certificate of incorporation of the Stearns company, which I hand you. Valentine swore that there were five incorporators, and the certificate shows there are only three.

Chairman Lexow.—Not only that; there are only three trustees and there are only three stockholders.

Chairman Lexow offered the certificate in evidence. It was marked Exhibit 2 of this date, and is as follows:

# CERTIFICATE OF INCORPORATION OF THE STEARNS COMMISSION COMPANY.

## STATE OF NEW YORK.

City and County of New York, ss.:

We, the undersigned, desiring to form a corporation pursuant to the provisions of the Business Corporations Law, all being of full age and two-thirds being citizens of the United States and a majority residents of the State of New York, do hereby certify:

I. The name of the proposed corporation is "The Stearns Commission Company."

II. The objects for which it is formed are the buying, selling or exchanging of bonds, stocks, grain, provisions and general produce and mining stocks, for or upon commission, and the location of its business is to be in the city of New York in the county and State of New York.

III. The amount and description of the capital stock is as follows: Ten thousand dollars, all common stock.

IV. The number of shares of which the capital stock shall consist is one hundred shares of one hundred dollars each.

V. The location of its principal business office is to be in the city of New York, in the county and State of New York.

VI. Its duration is to be fifty years.

VII. The number of its directors shall be three. Each director is to hold at least five shares of stock.

VIII. The names and post-office addresses of the directors for the first year are as follows:

Walter D. Valentine, 121 West Thirty-ninth street, New York, N. Y.

William S. Fender, 218 West Twenty-second street, New York, N. Y.

Alonzo C. Maynard, 1487 Broadway, New York, N. Y.

IX. The post-office addresses of the subscribers and the number of shares of stock which each agrees to take in the corporation are as follows:

Walter D. Valentine, 121 West Thirty-ninth street, New York, N. Y., 45.

William S. Fender, 218 West Twenty-second street, New York, N. Y., 45.

Alonzo C. Maynard, 1487 Broadway, New York, N. Y., 10.

In witness whereof, we have made, signed and acknowledged this certificate, this 8th day of May, 1894.

WALTER D. VALENTINE,  
WILLIAM S. FENDER,  
ALONZO C. MAYNARD.

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STATE OF NEW YORK,  
City and County of New York.

On the 14th day of May, 1894, before me personally came Walter D. Valentine, William S. Fender and Alonzo C. Maynard, to me personally known to be the individuals described in and who executed the foregoing certificate and severally acknowledged that they executed the same.

S. A. HAYMAN,  
Notary Public, Kings County.

Certificate filed in New York county.

## DUPLICATE.

Treasurer's Office,

State of New York.

Albany, May 16, 1894.

Received from The Stearns Commission Company \$12.50, in full of tax of one-eighth of 1 per centum upon the capital stock of \$10,000 of the above-named company, for the privilege of organization, pursuant to chapter 143, Laws of 1886,

J. HEDIN HEES,

Deputy Treasurer.

WM. J. MORGAN,

Deputy Comptroller.

Helen J. Capell, a witness called on behalf of the State, being duly sworn, testified as follows:

Examined by Mr. Goff:

Q. You are a widow? A. Yes, sir.

Q. When did your husband die? A. Two years the 18th of May last.

Q. You are a keeper of a lodging-house? A. Yes, sir.

Q. Where? A. Three hundred and fifty-six Bowery, between Great Jones and Fourth streets.

Q. How many lodgers can you accommodate? A. About 90.

Q. What is the average number of lodgers that you have from night to night? A. At present — of course, it has increased somewhat.

Q. Since when? A. Well, within those last two years; usually about 50 — 60.

Q. Has not the number increased around election times? A. No, sir.

Q. Have you ever had any trouble with regard to fraudulent registration? A. No, sir; I have only been in it two years; previously to that I have never had any interest in the matter.

Q. If you will wait until I ask my questions; have you ever had any trouble about fraudulent registration from your lodging-house? A. No, sir.

Q. Your lodgers pay from night to night, do they not? A. There are probably two dozen weekly men.

Q. That is the longest lodging that you have, by the week; the longest term? A. Yes, sir; they pay from week to week.

Q. How much do they pay per week? A. Some pay \$1.50 and some pay \$1.25.

Q. Outside of that, you never can tell how many lodgers you will have from night to night? A. No, sir; there are very often a great many transients.

Q. Transients make up the bulk of your customers? A. At times.

Q. At what times? A. In the winter months it is always supposed to be better.

Q. For what reason? A. By reason of the people coming back from the places in the country; coming to the city to work.

Q. And by reason of the inclemency of the weather, so that the parks do not afford that lovely shade covering? A. I presume so.

Q. Do you know how many men have registered from your lodging-house for the last two registration days? A. Not knowing what my business was, I might have brought my book; there is an officer visits the house every night.

Q. You keep a regular book? A. Yes, sir.

Q. And in that book is entered the name of every one who sleeps in the house over night? A. Yes, sir.

Q. How much is the price per bed? A. Twenty-five cents, 20 cents and 15 cents.

Q. I believe you are not very well in health? A. No, sir.

Q. I do not wish to detain you; you send me down that book, or bring it down yourself this afternoon? A. Very well.

Joseph W. Kay, a witness called on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. When were you expelled from the Grand Army? A. Never.

Q. Did you ever belong to it? A. Yes, sir.

Q. How did you come to leave it? A. I never left it.

Q. Are you a member now? A. Yes, sir.

Q. What post? A. One hundred and ninety-seven.

Q. Are you in good standing? A. Yes, sir.

Q. When did you last pay your dues? A. I have been paying them ever since the organization was formed.

Q. When did you last pay your dues? A. I can not give you the exact date.

Q. In any year? A. Yes, sir.

Q. Within six months? A. Well, since the 1st of January; I usually pay them a year in advance.

Q. No matter what you usually do, but what you have done? A. Yes, sir; I have paid them since January.

Q. Since January of this year? A. Yes, sir.

Q. Have you ever had any trouble with the Grand Army? A. No, sir.

Q. Have there been charges brought against you ever? A. No, sir.

Q. Have you your button with you? A. No, sir.

Q. Have you been wearing your button? A. No, sir.

Q. Did you ever wear your button? A. Yes, sir.

Q. Why did you stop wearing it; does it take you so long to remember? A. I have no reason to give for not wearing my button.

Q. When did you give it over? A. Well, I haven't worn one in some time.

Q. How long a time? A. I have worn a badge within a few weeks.

Q. I am not asking about the badge? A. I haven't worn a button regularly any time.

Q. When did you give over wearing a button? A. I don't know; I can not tell you that.

Q. What is the title of the post along with the number? A. Winchester Post, 197.

Q. Where does it meet? A. Criterion Building, Brooklyn.

Q. Who is the commander? A. John J. Corbett.

Q. Who is the secretary? A. We have no secretary; we have an adjutant, Charles E. Crane.

Q. Were you not involved in some trouble in the Grand Army on account of your being a professional gambler? A. No, sir.

Q. Was it ever brought up? A. Yes; the subject was brought up.

Q. And you have found it more pleasant to remain away since that subject than you have to go there? A. Well, I was a candidate for department commander of this State in February last.

Q. And you were not elected? A. No, sir.



Q. You are a policy backer, are you not? A. I am not.

Q. Are you a dealer in policy? A. No, sir.

Q. Had you ever anything to do with policy? A. Yes; I did.

Q. How long ago? A. Up until eight years ago.

Q. Eight years? A. Yes, sir.

Q. Not since eight years? A. No, sir.

Q. Ever had any connection with Jake Shipsey? A. Simply as a friend.

Q. And friendship is the only bond between yourself and Jake Shipsey? A. Yes, sir.

Q. You know Jake's business, do you not? A. I know he has been a bookmaker for a good while.

Q. Don't you know he is a policy backer now? A. No, sir.

Q. Don't you know he has a policy shop on the Bowery? A. No, sir.

Q. Do you mean to say that you haven't had anything to do with policy for the last eight years? A. Yes, sir.

Q. How do you make your living? A. Well, I will tell you.

Q. Then, do so, and don't take so long about it? A. Well, Mr. Goff, I want to be perfectly fair with you and I want you to be perfectly fair with me; I have a printing office at 149 to 153 Leonard street in this city; I am the publisher of Home and Country Magazine, at 53 East Tenth street New York; I am treasurer of the Thompson Meter Co., corner of York and Washington streets, Brooklyn.

Q. What is the business of that company? A. It makes water meters.

Q. Any other business or occupation which you have? A. Well, I have several matters with which I am connected into which I have been brought because of my kindness of heart for some of my comrades of the Grand Army of the Republic.

Mr. Goff.— Well, we are not interested in that, Mr. Kay.

Chairman Lexow.— We are interested in it, of course, Mr. Goff, but it is not a proper subject of examination here.

Mr. Goff.— Of course not, not his private affairs.

Q. Now, you solemnly swear that you have had no connection or business dealings or interest in any policy business for the last eight years? A. No, sir; I haven't had any connection with it whatever in eight years.

Q. In any manner, shape or form? A. I can qualify that; my friends of years ago are just as much my friends to-day.

Q. Now, you are a deacon of a church? A. No, sir.

Q. You are a member? A. No, sir.

Q. Were you ever? A. No, sir.

Q. Never connected with a church? A. No, sir; except as a Sunday school scholar.

Q. That is a good many years ago? A. Yes, sir; a good many years ago.

By Chairman Lexow:

Q. Why are you so emphatic in your denials; you don't consider it improper to be a member of a church, do you? A. Nothing of the sort.

Q. Well, you were so emphatic in your denials of membership? A. Well, Mr. Chairman, I have heard this subject of hypocrites so often mentioned, that I don't propose to be among the hypocrites; that is all.

By Mr. Goff:

Q. That is honest and fair; I want to deal with you honestly and fairly? A. I will try to be as honest and fair as I can.

Q. Now, have you had any interest in the Little Louisiana? A. No, sir.

Q. Or in the Kentucky? A. No, sir.

Q. Or in any policy or gambling business of any name or description? A. I did have an interest in several of them.

Q. I mean within the past eight years? A. No, sir.

Q. I limit the question now to that period of time? A. No, sir.

Q. You can say here now, solemnly under your oath, that you have no interest in any manner, shape or form, in any policy, gambling or lottery business in this city or in Brooklyn? A. Yes, sir.

By Chairman Lexow:

Q. Within eight years? A. Within eight years.

By Mr. Goff:

Q. You say you keep up your former friendship with men who were engaged in that business, and who are engaged in that business; you keep up your former friendship with them, do you? A. In some instances.

Q. And you see some of them quite frequently? A. Occasionally.

Q. Well, you know Mr Shipsey? A. Yes, sir.

Q. And you know Mr. Morton? A. I knew there was such a man as Morton, but I haven't seen him, I don't think, more than once in the last 15 years.

Q. Do you know Parker? A. No, sir.

Q. Do you know Al. Adams? A. Yes, sir; I know Mr. Adams.

Q. I want to ask you if you heard — and this is the particular point that I brought you here to this court, and before this committee for, and not in relation to your private life at all; I may say that to you —? A. Well, it is here now, and I am perfectly satisfied; you can go from the top to the bottom now.

Q. All right; I do not purpose to wantonly go into any man's private life, but this question I want to put to you, to get it on the record? A. Yes, sir.

Q. Because your name has reached me as one of a combine or party — and I want to see how far you can sustain the information I received — have you heard through any policy man or gambler in this city, any report or rumor, that a pool had been made up or was about to be made up, by a policy man of this city to keep them from being summoned before this committee? A. Can I answer that question in my own way?

Q. In your own way; I want you to give us all the light you can upon it. A. I have heard of some rumor in the same way in regard to that, that I have in regard to this committee; I have heard that if certain people had paid \$70,000 to this committee, that it never would have made an investigation; I have also heard that a sum of money was spoken of being gathered not for the police department of the city of New York, as I understood it, but for election purposes.

Q. That is lately, Mr. Kay? A. I haven't heard that not within the last five or six months; I heard both these things at two different times, and then in the way I spoke of; I do not believe everything I hear unless there is some reason for me to look at it.

Q. Now, in hearing those rumors, did you hear anything said about some pool or fund being raised for the counsel of this committee? A. No, sir; not a word about the counsel of the committee.

Q. Only about the committee? A. Yes, sir.

Q. Now, from whom did you hear that rumor? A. I couldn't tell exactly whom I heard the rumor from; it was spoken of among a gathering of four or five people.

Q. Tell us who the four or five people were? A. I don't know who they were.

Q. Where were you when the meeting was had? A. I think I was standing almost directly opposite the Sessions Building on this side of Chambers street.

Q. How long ago was that? A. Probably four or five months; it may have been six.

Q. Was that while the committee was sitting before the summer recess? A. I don't remember whether the committee was in session or not at the time.

Q. But the committee had been appointed to investigate the police department? A. Yes, sir; I heard it in the same way that I hear rumors of all kinds in regard to all men who are engaged in politics, just in that way.

Q. We want to inquire, Mr. Kay, if we can get hold of the originator of these rumors? A. I couldn't give you any information on the subject that would enlighten you.

By Chairman Lexow:

Q. Can you not, Mr. Kay, when a statement as extraordinary as that, that a large sum of money was being raised for the purpose of covering up an investigation here, can you not remember the person that gave you that information? A. Mr. Chairman, that is an impossible thing for me to do; this is only one of 10,000 rumors that I hear in different ways, and I pay just the same attention to the one as I do to the other; no more.

By Senator Bradley:

Q. But, Mr. Kay, these were public men and men in political life that you were talking to; supposing that Mr. Goff, Mr. Lexow, Mr. Cantor and I should meet you outside the building and have such a remarkable conversation as that with you, is it not likely that you would remember the name of some one of us? A. I don't think, so, Senator.

By Chairman Lexow:

Q. That was rather an astounding statement at the time, was it not? A. I have heard a great many statements, thousands

and thousands of them, but I do not believe all that I hear, nor do I believe all I hear although I think the person intends to tell the truth.

Q. No; but the fact that the committee was in session here and that developments of a somewhat extraordinary character had already been reached was in itself an important matter at the time, and added to that a statement that this committee was going to cover up a still further investigation in payment of the sum of \$70,000, seems to me that ought to be important enough for you to remember the person who told it to you? A. Well, I don't remember, Mr. Chairman; if I remembered I would no more hesitate to tell it here than I would the rumor itself.

By Senator Cantor:

Q. Can you remember where the conversation took place? A. My impression is that it took place in Center street here just outside of what was the General Sessions building, the brown building.

By Chairman Lexow:

Q. The brown stone building? A. Yes, sir.

By Senator Cantor:

Q. But you have no recollection of any one of the persons? A. No, sir; I have no recollection of it; I meet so many people that I could not begin to distinguish and I hear so many rumors and reports that I don't pay any attention to them unless there is something in which I am personally connected that would lead me to.

By Chairman Lexow:

Q. Do you understand that there was at that time a purse of money gathered together for any such purpose? A. No, sir; nor have I any reason to believe such a thing.

Q. But what was it; what did you hear; just give the conversation as nearly as you can remember it; I understood you before to have said that a purse of \$70,000 had been contributed for the purpose of stopping or impeding this investigation; now just what was it that was said? A. I didn't so understand it. I

Q. That was a statement of opinion then made by somebody made in your presence? A. Just the same as the rumor that money was gathered for other purposes that I have heard of.

By Mr. Goff:

Q. Now, Mr. Kay, we regret having to put you upon the stand to ask you questions that might seem annoying to you?

A. I have no objection, Mr. Goff, if your inclination is based on correct premises, but the insinuations that you started with about my Grand Army career are unworthy of man.

Q. Now, the same source of information, which I will not disclose now, but which I will disclose to you privately, the same source of information that conveyed to us the fact that such was the rumor conveyed to use also the fact that you have been expelled from the Grand Army of the Republic by reason of your connection with the policy men? A. That is absolutely an untrue fact; I was a candidate for department commander of the Grand Army of the Republic at Rochester in February last and came within 33 votes of an election in nearly 800 votes, and if I had happened to be a Republican, I would have been elected by a very great majority; that is the difference.

Q. I am glad that you have this opportunity of explaining your position on this matter? A. One of the gentlemen who is sitting here as a member of this investigating committee knows that to be a fact; I mean Senator Robertson; he is a member of the Grand Army; another thing I want to say, Mr. Goff, is this: If circumstances occurred which place a man in prison for an offense against the law that man had better die than raise a family in such a community as this; and if, on the other hand, a man who served the country in time of war, penniless and hungry, walks the streets of this city until he walks on the uppers of his shoes, and is first given employment by a lottery man, that man can never overcome his position; these things that have been told to you are absolutely untrue; the people who told them lied, and they know it, and my name will stand before the business community of this city alongside of that of any other man who pays his bills and does an honorable business; I think it is proper that you should eliminate all such things as that and get at the facts of the truth.

Q. That is what I am trying to do, and the best source of information on that subject was to have it from your own lips; and I have done so? A. Yes, sir

Q. I was going to say further that the same channels of information that gave us the matters that I have referred to gave us this further information —? A. Yes, sir.

Q. That you subscribed \$1,000 to a fund to buy off the counsel of this committee, and that you so stated that you had subscribed \$1,000? A. The man that says so is absolutely without truth; I never said such a thing; never thought such a thing, and if I had it would have been a lie.

Mr. Goff.— We wanted, Mr. Chairman, to nail this thing right at the outset, because a liar never waits to put his hat on, and he has always got 24 hours start of the truth.

Chairman Lexow.— I think you can stand the lie, Mr. Goff, and we will try to stand it.

Mr. Goff.— It is better to stamp it out at the beginning. I have endeavored, from the names that you have called out here, to bring every one of these lottery men in court. We have had our men out all night to subpoena them. Mr. Kay is the only man of the party, on the list of names we were furnished with, that we have been able to subpoena. We subpoenaed Mr. Kay, and he has come here. I thank him for coming, and I express my sincere regret that our information, so far as he is concerned, places him in what might be an embarrassing position on the witness stand. I am also glad that it has given him an opportunity to vindicate himself and to nail this lie at the threshold.

The Witness.— I did not desire this invitation for the reasons I expressed to you. A gentleman, as I told you, who sits as a member of this investigating committee, whom I would be willing to trust with my life, who wears the button in public and private, and who was the captain of my opponent in the campaign I spoke of, never lisped such a thing as that to me, nor do I think, in his manhood, would he do it before anybody.

By Mr. Goff:

Q. The matter had no relation to the Senator you have mentioned; now, we will excuse you further, Mr. Kay? A. I tried to be fair with you, and want to be, Mr. Goff.

Frank Wolf, a witness called on behalf of the State, being duly sworn, testified as follows:

## Examination by Mr. Goff:

Q. You are the keeper of a lodging-house? A. I am; yes, sir.

Q. What is the address? A. No. 160 Park Row.

Q. That is in the Second Assembly district? A. I believe so; I don't know for sure.

Q. How many lodgers do you keep? A. That is something I can't tell; they come and go.

Q. They are transient? A. They come in every night, somebody else, and go the next morning.

Q. How long have you been keeping this lodging-house? A. It is five or six weeks since I opened up, but I haven't been there during the last 15 days; during the holidays, the Hebrew holidays, I haven't been there.

Q. Was there any particular inducement to have you open up a lodging-house within the past five or six weeks? A. No, sir; the Budweiser Brewing Company I have dealt with for the past six years, and they had that place unleased, and I was home after coming back from the hospital; I was a sick man; and when I got well, they wanted me to take charge of it, because they knew I was the only fit man for the place for them to run as an honest place; they lost considerable money in that place.

Q. How many beds are there? A. About 60 odd.

Q. And you say that you can not tell how many there are there nightly, on account of the changes made from night to night? A. There is some, very few, that stays there regular, pays every night so much for to stay there, but I don't know whether there is anybody there during the time that I took the place.

Q. Do you keep a registry book? A. Yes, sir.

Q. And you have a permit from the board of health? A. I do, sir.

Q. Who makes the entry in this registry book? A. I got a boy, upstairs in the office, and he didn't allow anybody to go up there unless he signs his name.

Q. So that you compel each lodger to sign his name? A. Sign his name.

Q. Will you let us have that book at recess? A. I can do so. Chairman Lexow.—Bring it here at half-past 2 o'clock.

Q. I wish to have the matter thoroughly understood, Mr. Wolf, from your testimony, that your lodgers engage their beds from night to night? A. Only one night; one night only.



Q. And that you never can tell who may be your lodgers to-morrow night? A. No, sir.

Q. So that it is transient from night to night? A. From night to night.

Q. They have no settled place of abode, as far as that place is concerned? A. With the exception of a few people that has been there before I came there.

Q. They pay from night to night, too? A. Yes; some of them pay for two or three nights.

Q. But not beyond that? A. No.

Q. Do you remember the names of those persons? A. Well, that would be too much to ask me.

Q. Will you indicate them on the book? A. They are on the book; they must register.

Q. Will you send your clerk over here after recess with your book? A. I will come here myself.

Mr. Goff.— You may go for the present.

Mr. Goff.— Mr. Chairman, will you announce that all the lodging-house keepers, who are under subpoena here, to bring their books after recess.

Chairman Lexow.—All lodging-house keepers under subpoena for to-day, will attend again at half-past 2 o'clock, and produce before the committee their books in which they keep a register.

(Recess until half-past 2.)

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#### AFTERNOON SESSION.

October 19, 1894.

Present.— Senators and counsel as before.

Frank Prince, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. What is your name? A. Frank Prince.

Q. Raise your voice; have you told anyone connected with the counsel for this committee, about your treatment in the police station? A. Well, yes; I spoke to Mr. Jacobs about it.

Q. Spoke to Mr. Jacobs, to-day? A. No, sir; but some time before.

Q. Where are you confined now? A. Blackwell's island.

Q. Blackwell's island penitentiary? A. Yes.

Q. When were you sent there? A. August 24th.

Q. What is the length of time? A. Six months.

Q. Who sent you? A. I don't remember that.

Q. What police court? A. Special Sessions.

Q. What was your business? A. Engineer.

Q. Where were you employed as engineer? A. Well, I have not worked at it for some time.

Q. Where were you last employed? A. Eighty-fifth street and Fifth avenue.

Q. That was in an apartment house? A. Yes, sir.

Q. Were you ever engineer upon the patrol boat? A. No, sir; I used to clean the boilers for the patrol.

Q. You were cleaning for the police patrol? A. Yes, sir.

Q. How much did you get a month? A. I used to get \$5 every time I cleaned the boat; that was about twice a month.

Q. Did any one ever ask you for money for that job? A. For cleaning the boat?

Q. No, to give up money; did any policeman ever ask you to give up money to them? A. Yes, sir.

Q. Who was it? A. The head wardman, Mr. Gannon.

Q. The wardman? A. Yes, sir.

Q. Was it while you were cleaning on the boat he asked you? A. No, sir; I was not cleaning the boat then.

Q. What were you doing when Gannon demanded the money of you? A. I was keeping a disorderly house.

Q. Where? A. In 216 East Ninety-eighth street.

Q. How much did he demand of you? A. Ten dollars a month.

Q. Did you pay? A. No, sir.

Q. Was there anything done to you because you did not pay? A. Yes, sir; they came and raided my house.

Q. How shortly after you refused to pay the money? A. Well, I could not tell at all how long.

Q. A week? A. Yes; it was longer.

Q. A month? A. Well, I think so; about a month.

Q. About a month after; what officers raided your house? A. Well, Mr. Gannon was one of them, and Mr. Campbell.

Q. And another wardman? A. I don't know exactly whether he was wardman or not.

Q. What station was you taken to? A. Eighty-eighth street.

Q. Who was the captain there? A. Captain Schmittberger.

Q. Who was at the desk when you were arraigned? A. The sergeant was on; I don't know his name.

Q. Did you see the captain? A. Yes.

Q. In the station-house? A. Yes, sir; he took me in a private room.

Q. What did he take you in a private room for? A. Well, it seemed that the wardman said I made some threats that I would make him turn up the other disorderly house in that district, and he took me in to see what I had to say.

Q. What did he say to you? A. He simply asked me what I knew about other houses around there.

Q. Did you tell him? A. No, sir.

Q. What was done with you then? A. He told the wardman to take me in the cell and attend to me.

Q. To take you in the cell and attend to you? A. Yes.

Q. Were you sick? A. Was I sick?

Q. Yes; at that time? A. No, sir.

Q. What attendance was intended? A. I suppose to abuse me, which they did.

Q. They did? A. Yes.

Q. They attended to you? A. Yes.

Q. You were taken down to the cell and locked in the cell? A. Yes, sir.

Q. When you were put in the cell what was the nature of the attendance, give us all the particulars? A. Well, they kicked me in the cell; they did not give me time to get in.

Q. Who kicked you in? A. Mr. Gannon and the turnkey in the prison.

Q. Kicked you badly and hurt you? A. Well hurt me so I have not been very well since.

Q. Weren't you ruptured? A. No, sir.

Q. But you have suffered from the result of the kicking ever since? A. Yes, sir.

Q. How long was that ago? A. Well I guess about two years ago.

Q. In what part of your body were you kicked; in the abdomen? A. Yes, sir.

Q. And you have never been the same since? A. No, sir; and he also hit me in the head, and I have been troubled a good deal with a headache a good deal since then.

By Chairman Lexow:

Q. Hit you on the head with what? A. With a club; a little club that long. (Indicating.)

By Mr. Goff:

Q. One of those billies, I suppose? A. A billy; yes, sir.

By Chairman Lexow:

Q. Had you done anything, or did you give them any impertinence? A. No more than I said I would make them turn up the rest of the houses in that neighborhood.

Q. I mean that time they struck you? A. No, sir.

Q. You had refused when you went before the captain to speak about the other places? A. Yes, sir.

Q. Did they know them? I don't know as they did.

Q. Did you have any conversation with them after you left the captain's room until they kicked you or struck you? A. No, sir.

By Mr. Goff:

Q. But you heard the captain say, "Take him down to the cell and attend to him?" A. Yes, sir.

Q. Did they wait until they got you inside the cell? A. No; they kicked me into the cell.

Q. Oh, they kicked you in? A. Yes, sir; and then after I got into the cell they kicked me and struck me several times.

Q. In the cell? A. Yes, sir.

Q. Were you knocked down? A. No, sir.

Q. Did you call for help? A. No, sir.

By Chairman Lexow:

Q. Didn't think that would do any good, did you? A. No, sir; not in a case like that.

By Mr. Goff:

Q. Did you say anything to them, or they to you while they were kicking you? A. No; no more than he said he ought to knock my brains out; that is all.

Q. Which of them said that? A. Gannon.

Q. Was anything said about your refusal to pay the \$10 monthly blackmail? A. No, sir.

Q. At that time? A. No, sir.

Q. Where were you taken next morning? A. To One Hundred and Twenty-fifth street.

Q. To the station-house? A. Yes, sir.

Q. How were you disposed of there? A. I got five days, and my wife got three months.

Q. Did you break up your business then of that house? A. Yes, sir.

Q. What are you in now for, Frank? A. For disorderly house; so claimed.

Q. Where was that house kept, so far as the charge goes? A. No. 219 East Ninety-seventh street.

Q. In the same neighborhood? A. Yes.

Q. Did you have a disorderly house there? A. No, sir.

Q. What police captain arrested you there? A. It was Officer Moody that arrested me that time.

Q. Which captain? A. Captain Westervelt.

Q. That is the One Hundred and Fourth street station? A. Yes, sir.

Q. That is not the same station-house you were brought in before? A. No, sir.

Q. How were you treated when you were arrested and brought to the One Hundred and Fourth street station-house? A. Well, about as well as a prisoner could expect to be treated.

Q. About as well as a prisoner could expect to be treated? A. Yes.

Q. What did you expect? A. I do not think it is right to call you names, or anything like that.

Q. Were you struck in the One Hundred and Fourth street station-house? A. No, sir.

Q. Were you abused? A. No, sir.

Q. Hit? A. Well, they called me names; called me out of my name.

Q. Swore at you? A. Yes, sir.

Q. In the cell, or before? A. In the cell.

Q. Who swore at you? A. One of the officers who took me up; I could not tell who he was.

Q. What judge sent you up? A. From Harlem; Judge Taintor; and then I was sent down to Special Sessions.

Q. And Special Sessions passed sentence on you? A. Yes.

Q. From the time you opened the first house were you asked to pay any money? A. I was not; only at one time.

Q. You swore you were not running that kind of a house the second time? A. Yes, sir.

Q. Who were the inmates of that house when you were arrested the second time? A. My wife, my brother, my wife's cousin, and a young lady was stopping with me.

Q. Your wife's cousin; was that a female? A. Yes, sir.

Q. You had two females in the house besides your wife and your brother? A. Yes; but my wife's cousin did not live there; she only came there to visit us on a Sunday.

Q. She was there when the raid was made? A. Yes, sir.

Mr. Goff.—We have, Mr. Chairman, called the attention heretofore to what may be justly termed, "Slaughter houses," known as police stations, where prisoners in custody of the officers of the law, and under the law's protection, have been brutally kicked and maltreated, almost within view of the judge presiding in the court, as we had evidence here yesterday, and before that, if you remember, before the summer recess, by the witnesses who testified to the brutal beating of the man by Sergeant McCarthy, in Jefferson Market, of a prisoner.

Chairman Lexow.—That was not in view of the court, was it.

Mr. Goff.—No; the prisoner was brought back from the corridor to the judge.

Senator Bradley.—It was outside of the judge's court.

Mr. Goff.—Outside of the room, going into the cell; and Sergeant McCarthy has been tried by the commissioners, and in the face of the testimony of Judge Voorhis have been acquitted. That will do, Frank.

Chairman Lexow.—Did the witness testify as to whether he had any business now; what do you do now?

Mr. Goff.—He is in the penitentiary now; he is serving the State. Is Mr. Byser here? (No response.) Is Michael Flynn here? We wish to have Michael Flynn's name called. He has been subpoenaed.

Chairman Lexow.—Is Michael Flynn present? Michael Flynn. The stenographer will make a minute of the fact that the chairman called the name eight minutes after 3 p. m., and the witness failed to attend.

Mr. Goff.—Alfred Genovese; is Genovese here? Will you note, Mr. Stenographer, that Alfred Del Genovese fails to respond. John Smith here? Note John Smith's failure to appear. Is Mr. Turner and Timberman here? Note their failure to appear. (The parties called as above did not appear.) Is Mr. Marr, of 73 Bowery here; Mr. Hughes, of the same number,

73 Bowery, here? (They do not respond.) Is Mr. Pratt, of 83 Bowery, here? (Mr. Pratt answers yes.) Is Mr. Wolf here? Mr. Wolf answers yes.)

Frank Wolf, recalled and further examined, testified as follows:

Examined by Mr. Goff:

Q. Point to me the registration of lodgers in your house since the 1st of October? A. I do not know, sir.

Q. This is your book? A. This is the book I got from the man I left in charge; I have been sick, and have not been there for the last 15 years; I am fixing it at the present moment, for the people are getting ready to fix up the place; I have the possession of that place, and the brewing company is paying \$4,000 a year rent, and they give me the place to run it for them without paying one cent rent.

Q. Who made the entries on this book? A. A young man I gave in charge.

Q. Is he there now? A. He is there now.

Q. Will you go and send him here? A. He is not here.

Q. Will you send him over here? A. Yes; I will send him over here.

Q. What is his name? A. Allison, I think; I don't know anything about it, because it is a place given to me in possession only five or six weeks ago; I don't know anything about it.

Samuel Trigger, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. What is your business? A. I am manager of a lodging-house.

Q. Where? A. Eighty-three Bowery.

Q. How long have you been there? A. Three years, sir.

Q. How many beds have you in that house? A. One hundred and ninety.

Q. One hundred and ninety beds? A. Yes, sir.

Q. And you can accommodate 190 men, or two in a bed, possibly? A. No, sir; one in a bed.

Q. So that you can accommodate 190 men every night? A. Yes, sir.

Q. What is an average custom there? A. One hundred and fifty, sir.

Q. One hundred and fifty? A. Yes, sir.

Q. How many people were registered and voted from your place last election? A. About—well, I could not tell you the number to be accurate.

Q. It was a little over 100—150? A. No, sir.

Q. I think it was; I think I remember, Mr. Trigger? A. At 83 Bowery?

Q. Yes? A. No, sir; I beg your pardon; it was no where near that number.

By Chairman Lexow:

Q. Was it 100? A. I could not say, to be accurate.

Q. You won't swear it was not 100? A. No, sir; I will not swear it was not 100.

By Mr. Goff:

Q. Will you swear it was not 150? A. Yes, sir; I will swear it was not 150.

Q. So it was somewhere between 100 and 150? A. I don't know, sir, how much it was; I could almost swear it was not 100.

Q. You are not prepared to swear it was not 100? A. No, sir; I never looked it up; I did not interest myself in it.

Q. How many are registered in your house this year? A. For the two years?

Q. Yes; 100? A. No, sir.

Q. Fifty? A. No, sir.

Q. Can you give us any idea about it? A. I should say about 40.

Q. How do you know? A. By simply hearing them speak that have already registered.

Q. Is your estimate based upon the number of men you heard talking about it? A. Well, the number of men that I heard say they had registered.

Q. That is on what you base your estimate? A. Yes, sir.

Q. You let out your beds every night, don't you? A. Yes, sir; I let them out every night.

Q. What are the prices? A. Fifteen cents and 25 cents.



Q. Fifteen and 25 cents? A. Yes, sir.

Q. You have no permanent lodgers there, have you? A. Yes, sir; permanent; I have lodgers that have stayed in that house for three years and over.

Q. They nightly rent their beds? A. No, sir; some weekly.

Q. How many weekly? A. Well, they vary; sometimes I have 40 or 50, and sometimes only about 10 or 15.

Q. Do you make any rebate for the week? A. Yes, sir.

Q. But the majority of your customers are transients from night to night? A. No, sir; the majority are regulars; men that stay there from year's end to year's end or month's end to month's end; I have a number of transients, also.

Q. You keep books? A. Yes, sir.

Q. Are your present books here; what are these three books? A. That large one is the one what we keep the regular account on.

Q. The what? A. The regular account.

Q. What are the small books? A. Those small books are the men that sleep there nightly; we enter them on that.

Q. They are transients? A. Transients and regulars.

Q. How frequently do you register the regulars? A. Well, if a man says he will be there regularly, of course, we keep his name on the regular list three nights, and when he has been there three nights, we enter him on the large book.

Q. Three nights? A. Yes, sir.

Q. I hand you the book which you call a regular, or the book of regulars, and direct your attention to the entries of Monday, October 1, 1894? A. Yes, sir.

Q. And ask you if all the names that are on that book as registered, represent those who slept in your hotel that night? A. No, sir.

Q. Well, what else? A. Those men you see crossed off with a pen mark, they are the men that slept in the hotel that night.

Q. The names that are not crossed off? A. They were not in that night, but, probably, were in the following night.

Q. Why did you put that in if they were out? A. Those are the regular men; I carried those over from the night previous.

Q. How did you carry them over from the night previous? A. Because they were in the night previous; I did not let their beds be occupied by another man, if I could avoid it; a man will stop there three or four months, and it would not be fair

if he was out one night to let a stranger occupy his bed for the one night.

Q. You say you reserve a particular bed for those regulars?

A. Yes, sir.

Q. Well I notice the name of Lewis here for September 30th crossed off, number of room 115; is not that correct? A. Lewis; yes, sir.

Q. One hundred and fifteen; now in the ordinary course of business you would deem him a regular, would you? A. Yes, sir.

Q. And you would keep room 115, or bed 115, as you call it?

A. Yes.

Q. For three days? A. Yes, or more, if I think he is coming in.

Q. But you have no money in advance for his lodging? A. No, sir; but if I have a sufficient number of spare beds for transients I keep a man's bed for a week; of course it is very seldom I did keep it a week.

Q. Stop a minute; it is a most interesting line of inquiry you have opened up to us; on October last I find Lewis' name down for room 44? A. Yes; you will then find it down for 115.

Q. Wait a while; you will listen to me, please; take your time; I find room 44 was not checked off, that is, that Lewis did not sleep there on October 1st; that is true, is it not? A. Yes.

Q. If you booked that Lewis for 115 on September 30th in anticipation of his coming you would keep his room the next night? A. His room had not been changed, and it was on 115, and that night also, and not checked off.

Q. Why did you have him in room 44? A. I may have had two Lewis'; the regular night book will tell me that.

Q. Where is the regular night book; give me the night book of October 1st; I see, Mr. Chairman, that in these books there are no Christian names recorded at all, so that it is almost an impossibility to trace the identity of the person? A. I brought this from October 9th, and left the other book.

Chairman Lexow.—Is that supposed to be intentional?

Mr. Goff.—I think the results give ground for reasonable inference that it is intentional.

By Chairman Lexow:

Q. Now what explanation have you to give; you have not the night book you say, there? A. No, sir; I brought another one there.

Chairman Lexow.—This is a subterfuge to avoid complying with the law.

Mr. Goff.—It is not only a subterfuge, but the name in the law is the Christian as well as the surname for the purpose of identification; the law does not say that the surname should merely be registered, but the name of the person, and it must consist of the Christian and surname, if he has any.

Chairman Lexow.—For the purpose of criminal prosecution I suppose this might be considered sufficient, especially if it is before some of the police justices in the city we know of.

Mr. Goff.—Very likely.

By Mr. Goff:

Q. Why didn't you bring the night book? A. I made a mistake and brought the day book instead of the night book; I brought one night book; this dates from October 9th.

Q. Well, I find that Lewis is scratched off 115 on October 1st? A. Scratched off; that shows he slept there that night.

Q. That Lewis was a regular occupant of 115 September 1st slept there that night? A. Yes, sir.

Q. What about this Lewis that is not crossed off, number 44? A. Is that Lewis' name on the day previous, sir, in 44?

Q. I think so? A. Yes, sir; there is a Lewis here.

Q. Forty-eight? A. Forty-eight.

Q. On September 30th? A. Was he October 2d there.

Q. He was October 1st, but not sleeping there, not crossed off? A. He was not in that night; and possibly I scratched his name off the following day.

By Chairman Lexow:

Q. How did you keep track of the different Lewis's; how did you distinguish between them; what Lewis to keep 115 for, and what Lewis to keep 44 for? A. I know them; I registered them myself and know the different men.

Q. On the following day, October 2d, I find Lewis in 48, but he is not scratched off? A. That is two nights he was not in.

Q. That is, we find on October 3rd Lewis' name with the number scratched? A. He was in then, sir.

Q. What do these small figures represent? A. That is two beds in one room.

Q. Now, I find Lewis again the next day, in October, 48 not crossed off; he did not sleep there that night? A. He did not sleep there that night.

Q. We have Lewis sleeping two nights, and his name continues up to October 4th; I find on October 5th Lewis' name, 48 not scratched off? A. Yes, sir.

Q. Two nights again he did not sleep there? A. Yes, sir; he did not sleep there.

Q. Now, I find on the third day, Saturday, October 6th, Lewis for 48 scratched off; that shows he slept there? A. Yes.

Q. And I find again on October 6th—"Sunday, October 6th"—that must be a mistake; it could not be Saturday, October 6th, and Sunday, October 6th? A. That is a miss date I suppose.

Q. Well, I find on Sunday, the next day, Lewis is 48 again, not sleeping there? A. Yes, sir.

Q. Well, there is another two days gone; I find on October 8th Lewis slept there in 48? A. Yes, sir.

Q. I find on October 9th Lewis slept there in 48; now, I find on October 10, Murray from room 48 scratched off? A. Lewis left.

Q. How do you know Lewis left? A. Probably he told me.

Q. Don't "probably" about it; do you know anything of your recollection? A. Well, if—

Q. Not "if"; do you know anything of your recollection? A. Yes.

Q. What is your recollection? A. Lewis left that day.

Q. How do you know? A. I would not put another man in his bed unless he had left.

Q. That is the only reason you have? A. Yes, sir.

Q. Then I find Murray sleeps in 48 on October 10th; on October 12th Murray sleeps in 48; on October 13th Murray sleeps in 48; on the next day, the 14th, Murray sleeps there, and so on; is Murray one of the voters planted there to register? A. Murray is not a voter, sir.

Q. How do you know? A. Because I know he has not been long enough in the country.

Q. Now, this book, so far as the regulars are concerned, contains all the names—contains the names of the men who engaged their rooms for three nights? A. Yes, sir.

Q. But they did not pay for those three nights? A. Well, some of them did, of course; some of them —

Q. There is no mark here? A. No, sir; if you look here, this is the way it tells you in this book.

Q. Let me see this? A. Now, for instance, on Saturday it will show you how many men paid by the week.

Q. Let me see about the date; it is all in one handwriting — your handwriting? A. No, sir; there is two different handwritings; and there is mine, and there is the day clerk's.

Q. Now, where is cash book preceding this of October 9th? A. Of the receipts?

Q. Yes. A. I did not bring the cash-book, sir.

Q. Then you bring the cash-book for dates preceding October 9th; and, also, the other book that you have spoken about — the night-book? A. The other day register.

Q. The other day register; now bring them here right away; go for them? A. Very well, sir.

Q. What is that book you have there? A. That is April, 1893.

Q. Let us see; hold on a minute; this comes up to 1894? A. Yes, sir.

Q. Well, let us see — 1894, in August; this contains the totals; where is the cash-book showing the amount taken October 1st? A. I will bring that.

Dr. Hiscock, William Lamb, Frank Flynn and Mr. Hadley were called by Mr. Goff, but did not answer. Mr. Frank Edwards was then called.

Frank Edwards, called as a witness, on behalf of the State, testified as follows:

**Examination by Mr. Goff:**

Q. Let me look at your book; you keep 90 beds, don't you? A. Yes, sir.

Q. How many do you accommodate? A. About 60.

Q. But you can accommodate 90? A. Yes, sir.

Q. On a pinch? A. On a pinch.

Q. And the pinch occurs about election time? A. No, sir.

Q. Did you give a police officer a record of the lodgers you had this month? A. Yes, sir.

Q. How many? A. Well, there was about 60; I suppose.

Q. About 60? A. Yes, sir.

Q. Do you remember the day the officer called upon you?  
A. About the 1st of October.

Q. You produced a book here; what is this book? A. That is the day-book we register in.

Q. What is the day-book? A. We register the names every day.

Q. You register the names? A. Yes, sir.

Q. One hundred and eighty-five Bowery, is the number; why did you enter your lodgers leaving certain lapses in your rooms there; why did you enter them in that way? A. Those are the lodgers, and those are the men that slept there that night, and those are the empty beds.

Q. Why didn't you fill up the beds according as they came in?  
A. Those, I think, had been here two, or three or six months; they liked to have the same beds.

Q. Well, I find that on October 1st, your book shows about 45 names? A. You will find here those are the 15-cent beds; and those (indicating) are rooms for which we charge 25 cents.

Q. Now, on October 1st, you have sworn that you made the entries upon the page here of all the men that slept in that place that night? A. Yes, sir.

Q. That is true? A. Yes.

Q. And you stated you gave a police officer about 60 names as your lodgers? A. We only did—

Q. Did you, or did you not? A. The night clerk gave him.

Q. Well, answer my question; yes or no?

Chairman Lexow.—Just answer the question, yes or no.

Q. You have sworn a list was given to the police officer showing there was 60 lodgers on October 1st; is that true or false?  
A. No, sir.

By Chairman Lexow:

Q. Is it true or false? A. It is not true; he only gave the names.

By Mr. Goff:

Q. Why did you swear to it? A. I understood you how many men we had.

Q. I asked you very plainly to give us the number of men you gave to the police officer, that slept in your house on October 1st? A. I beg your pardon; we gave him about 30.

Q. I see there are 45 names here as having slept there altogether — 54 — what you call the room men; that is, 54 altogether; why did you give him 30 that slept there? A. We only gave him those that night.

Q. How do you know those were there that night? A. I don't know.

Q. Why did you give him the list of those that voted, if you did not know? A. Because we asked the men when they came in that night.

Q. Is that the question you put to them? A. Yes; I got them from the police officer.

Q. You could not ask him before he came around? A. No, sir.

Q. How could you tell him, if you were not asked and did not ask the questions, how could you tell him? A. When he came around and asked.

Q. You swear that the police officer told you to get him the list of voters? A. Yes, sir.

Q. You gave him 30? A. About 30, I believe.

Q. Your register shows 54, I believe that I counted now; why didn't you give him 54 instead of 30? A. Because they were not voters.

Q. How do you know? A. Because we asked every man when he came in whether he was a voter or not; and those have said they had no vote; we did not take the name down; but those that had a vote we took the name down and gave it to the police officer.

Q. Were you aware the police officers were going around? A. Yes.

Q. Who told you? A. My night man, I suppose; the night man; I suppose he said the policemen had been around to take the men that voted; and as they came in we asked every one whether they had a vote, and took their names down on a piece of paper; and those that did not have a vote we did not take down.

Q. Did you see the officer? A. No, sir.

Q. Did you give the officer a list since that time? A. Yes, sir.

Q. When? A. I could not say exactly when; about the 1st, or 2d, or 3d of October; and he came for a list and we gave it to him, of those that voted.

By Chairman Lexow:

Q. Were the 30 names on it? A. Yes; about 30 names.

Q. Those 30 names you spoke of? A. Yes, sir.

By Mr. Goff:

Q. Give me the name of one man that was on that list you gave the officers? A. Thomas Cheavis.

Q. Can you give me the name of another? A. Lynch.

Q. Cheavis and Lynch? A. Yes.

Q. Can you give us another? A. Brendel — Frederick Brendel.

Q. Since you know the name of Frederick Brendel, why didn't you record it here? A. Well, we supposed we did put it down.

Q. I don't see any name here with the Christian name? A. There is some of them, not all.

Q. I have not seen one yet; can you give us another name? A. Flaherty.

By Chairman Lexow:

Q. Why is it you do not put the Christian names down instead of the surname? A. It has never been the custom.

Q. Well, has that custom any particular reason? A. No, sir; not at all, that I know of.

Q. There are more Christian names, of course, than there are surnames, therefore, you could better have ascertained that Christian name than the surname; why didn't you put it down? A. We did not ask the surname.

Q. I do not find the name of Flaherty here; you say you gave that name to the officer; where are your room men (looking); October 1st; that is the date?

(The witness opens to September 1st.)

Q. I am asking about October 1st; do you call that Flaherty? A. Yes.

Q. Whose handwriting is that? A. That is Naman's handwriting.

Q. How are these names put on preceding Flaherty? A. Over it is put the first name.

Q. This is the night clerk; how is it the entries preceding that are in a different handwriting? A. That is the night man.

Q. Then according to that, that is the only handwriting in that book, with the exception of Cheavis; have you any other



book that you kept a record of those in? A. No, sir; that is the only book.

Q. And are you prepared to swear that every name that appears upon that book, or, that a man representing every name that appears on that book, slept in the place on the respective days? A. Yes, sir.

Q. You swear to that? A. Yes, sir; I will swear to that.

The book referred to is marked "Exhibit 4; October 19, 1894, L. W. H."

By Chairman Lexow:

Q. You know you have been charged — I don't mean you personally — but the people in your line of business have been charged by the public and in the public prints with keeping houses that are nothing more or less than places for registration and voting by which the ballot laws of this State are violated; and in view of that fact, how is it you did not put down the full name of the man on the register, if you wanted to evade or avoid a charge of that kind? A. We never have been accustomed to it, but since they have been registered, we have put it; but we never did it before.

Q. But you believe the people in your line of business have been charged for years back, with aiding and abetting crimes in this direction; now, the best way to detect crime is to put down the man's full name; why have you prevented the detection of crime by not putting the full name of the man on the book?

A. As I have said, it has been a custom of putting his name down.

By Mr. Goff:

Q. Isn't it a fact that you furnished, on election day, the men from your lodging-house? A. No, sir.

Q. Will you swear that never has been done? A. Year before last we had two men that kept a poll, kept what they call a small square box; there was two of them at a box; that is all I know of.

Q. What box? A. The box there at election day, for giving out tickets.

Q. Who were those men? A. One was named Brendel.

Q. Was that one of the lodgers? A. Yes; one of the lodgers; yes; while in the house; that is two years ago; and one is Burke.

Q. You say they had a box, giving out tickets? A. Yes, sir.

Q. In your place? A. No; not in our place; the corner of Rivington street.

Q. What has that got to do with this case? A. Nothing.

Q. I ask you about your place; is it not a fact that there are slips of names, or slips of paper containing names, served to you or your manager or clerk every election day, to be given out to your lodgers?

Chairman Lexow.—Now, you understand that question. Yes, or no.

The Witness.—I do not exactly understand it.

Chairman Lexow.—Read the question.

The Witness.—There were ballots given out, of —

Q. (Repeated.) Is it not a fact that there are slips of names, or slips of paper containing names, served to you or your manager or clerk every election day, to be given out to your lodgers? A. No, sir.

Q. Will you swear it never was done in your place? A. Yes, sir.

Q. Is it not a fact that messengers have gone from the polling-place to your lodging-house, to send 10 men more around? A. No, sir; never, sir.

Q. Isn't it a fact that a number of men come into your lodging-house on election day, and wait until they are voted by squads? A. No, sir.

Q. Did you ever hear it before? A. No, sir.

Q. That is the first time you have heard it? A. Yes, sir.

Q. And you swear no such thing existed in your lodging-house? A. No, sir; no such thing existed.

By Chairman Lexow:

Q. Or that anybody sent around for any number? A. No, sir; nobody sent around for any number.

Q. You are not trying to shirk it under the number "10," are you? A. No, sir; I am not trying to shirk anything.

Q. Can you state how many men had resided in your place for 30 consecutive days before October 1st? A. Well, of course, the book will show that.

Q. Was there one man that you can name that slept there for 30 consecutive nights before October 1st? A. Yes, sir; I can mention several that slept there before.

Q. Every night? A. Yes, sir.

Q. Who are they? A. There is Hand, Meehan—I could tell you if I saw the book.

Q. I ask of your recollection? A. Well, there is Hand and Meehan, and Barrington, Taylor, and Smith.

Q. Jones? A. No; not Jones—yes; Jones; there is a Jones?

Q. Oh, yes. A. There is a Jones.

Q. Brown? A. Yes, Brown and Jones.

Q. Robinson? A. No, sir.

Q. Sure? A. Yes, sir.

Q. Any others? A. I can't remember.

Q. Can't remember? A. No.

Mr. Goff.—We will keep the book for the present. You are excused, unless the Senator wishes to ask any questions.

Chairman Lexow.—That is all. I see this woman who was on the stand this morning is back here with her book.

Helen J. Capell, recalled as a witness and examined by Mr. Goff, testified as follows:

Q. The attendance at your lodging-house varies from day to day? A. Yes, sir.

Q. So that, as a matter of fact, you are not prepared to swear that there is anyone permanent lodger or resident of your house? A. Yes; there is; and you can tell by the books.

Q. They happen to come in and pay by the night? A. They pay by the week; there are some been there for years; there are two or three dozen that have been there two or three years.

Q. On October 1st I find—did you give a list to the policeman? A. He has a list; yes; he goes there nights.

Q. And takes a list off of the book? A. He sees it just as you do.

Q. I find 27 are booked October 1st; can you tell us how many of the 27 are lodgers, outside of the transients, night after night? A. Not unless I would look at the names; the names are familiar, because they are placed on the book night after night; the "W" means weekly people.

By Chairman Lexow:

Q. Means what? A. Weekly people; simply putting down the name one night when they pay.

By Mr. Goff:

Q. The weekly people, you record their names every night, don't you? A. That is the night they pay, and that carries them until that night week again, when it is time to pay again; if you begin at the first of the book you can almost get out a better idea.

By Chairman Lexow:

Q. What is the occupation of the people you have in your house? A. Well, some are cooks, some waiters, some coachmen, some all different tradesmen, I suppose.

Q. Any special nationality that you have there? A. Well, they are of all nations; the general rule are Irish.

Q. Irish, as a rule? A. As a rule; some Germans.

By Mr. Goff:

Q. Your lodgers fell off from 25 to 30 the next day, on Tuesday? A. Yes, sir; just as you see there it has been every night.

Q. And you swear that every man who lodges in your house his name is recorded here? A. Yes, sir.

Q. Every night? A. Yes, sir; every night.

By Chairman Lexow:

Q. Do these people leave anything there in your house, in the way of personal property? A. Well, such as their effects are, their wearing apparel and such things are always left in the office.

Q. In the office; by these people? A. Yes, sir; as it is not customary to leave anything in the lockers upstairs, because we are not responsible.

Q. It don't seem to be a frequent occurrence to find the name two consecutive nights in your house? A. Oh, yes.

Q. What happens with the personal baggage of those who do not turn up again the next night? A. I can show you the books for the last 10 years, and you will see the same names right along; of course, previous to my husband's death the business was good, and he always kept charge in the day time, and had that interest which, of course, a woman can not take; certainly it has fallen off to a great extent since his death.

Q. Not half of those people come there every night? A. Yes, sir; more than half.

Q. How many have you got altogether? A. Very little transient.

Q. How many? A. At the present time whatever the book calls for.

Q. Do you remember? A. Well, there is generally sometimes 30, sometimes 40, sometimes more or less of the weekly people; and the men that come every night and pay are city people; but the transients, you may see their names; men come to night and to-morrow night, and do not come the third night.

Q. What becomes of their baggage? A. They don't have baggage, but if they have a bundle it is left in the office.

Q. Those people that don't appear upon your books as permanent, coming day after day—the transient ones, in other words—do they leave any personal property in your house at all? A. Not except it would be a little package of laundry, or something of that sort, and then they may call for it the next time; they never have any trunks or any kind of baggage to speak of.

Mr. Goff.—I ask that this book be marked in evidence, pages 254 and 255, Monday October 5, 1894.

Book marked in evidence, "Exhibit 5, October 19, 1894. L. W. H."

By Mr. Goff:

Q. I am counting everything on these pages; there are 53 names or surnames? A. Yes, sir.

By Chairman Lexow:

Q. Are those all surnames? A. There are some on this side.

Q. How long has this custom existed of putting down only the surnames on the book? A. Well, as you get familiar with.

Q. I think public charges have been made that these houses are used to colonize voters? A. Yes, sir.

Q. You know the difficulty of detecting that fact where surnames are only given on the register of the house; how is it that those who do not wish to evade the law have not put down the full names of the persons living in the house? A. Just as I say; it is a matter of carelessness with the man, who just puts down, for short, the surname.

Q. But the owners and keepers of the houses know they bring themselves into suspicion of the law by doing that very thing; why is it you haven't demanded that the full name be written down on the book? A. Well, I can't give any account for that—one particular reason—only just as I say the books showed up there, and I suppose the man kept right along doing the same way; the officer being there every night, I suppose, given that way.

Q. But these stories of colonizing voters are not a matter of this? A. We never had any trouble; Mr. Capell never had any trouble in that house.

By Mr. Goff:

Q. Is this the first year the police have gone around to get names? A. They do so every year.

Q. Every year? A. Yes, sir.

By Chairman Lexow:

Q. Have you never heard of any charges being made that in these places voters have been colonized? A. I have heard other people talk of it.

Q. You have read it in the newspapers? A. Yes, sir.

Mr. Goff.—You may go.

Lucy C. Harriot, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Mr. Goff.—Mr. Chairman, will you please give caution to Lucy, that anything she may testify to here will not be used against her hereafter.

Chairman Lexow.—Any testimony you give now, under oath, before this committee, with reference to bribery or corruption, can not be used against you in any form, shape or way. The fact of your confession here before this committee, will be a complete bar against any prosecution against you for that offense. In other words, if you sit here and tell the truth, and confess that you have committed any crime of that description, you will be absolutely relieved from any punishment for the commission of that crime. On the other hand, if you swear to anything that is false, then, not only could you be punished for the crime that

you committed, if you did commit the crime of bribery, but for the crime of false swearing, or perjury, besides; you understand that?

The Witness.— Yes, sir.

By Mr. Goff:

Q. Where do you reside now? A. I came from the work-house.

Q. From the workhouse on Blackwell's island? A. The last place I lived was 132 West Houston street.

Q. Were you sentenced to the workhouse? A. Yes, sir.

Q. For how long? A. Three months.

Q. For what? A. For loitering, the charge was.

Q. Before you were arrested for loitering, where did you reside? A. No. 132 West Houston street.

Q. Is that a house of ill-fame? A. No, sir.

Q. What was it; a bad house? A. A furnished-room house.

Q. A furnished-room house; that is the same thing; girls rented rooms there to take men off the street? A. No, sir.

Q. What sort of a house was it? A. For man and wife.

Q. And you were there? A. Yes, sir.

Q. And your husband? A. Yes, sir.

Q. What other houses were you in? A. Well, I have lived previously to that, in August, I lived in 215 1-2 Wooster street.

Q. What sort of a house was that? A. That was a house of ill-fame.

Q. Did you keep the house? A. No, sir; I only had one room there.

Q. Do you remember Officer Zimmerman? A. Yes, sir.

Q. Did you make his acquaintance while in the last-named house? A. No, sir; I knew him previous to that.

Q. Had you some transactions with him while you were in that house? A. Well; yes, sir; he came to order me out of the house one night; I think it was Friday night, and my week was not due until the following Monday, and I refused to give the woman my keys until the week expired; and then he said, "You will have to get out of here in an hour;" and I said, I would not leave until my week was out; and so he said, "We will see about it;" and he came and pulled me out, with Officer Pennimer, and gave me 10 days.

Q. Was any money then demanded of you? A. From the woman that was running the house; that taxed me a dollar a week for an officer.

Q. Did you pay that dollar a week in other houses you were in? A. Every house I ever went in of that kind charged me a dollar, and I paid it.

Q. That was outside of your regular account? A. Yes, sir; but I never lived in those houses; I only went in there with company.

Q. I understand they were for transient purposes? A. Yes, sir.

Q. How did you rent the rooms; did you pay for each room according as you used it, or by the week? A. According as I used it.

Q. And you had to pay a dollar a week to the woman for protection, for the police officer? A. Yes, sir.

Q. Was that the general custom among women of your class? A. Yes, sir.

Q. Do you know of any case where girls who had to go on the street for their living had to pay the police officer on the beat? A. I have known of several cases.

Q. And how much a night have they had to pay? A. I do not know; I suppose \$1.

Q. Did you ever pay any? A. No, sir; I never gave it into the officer's hand; but I gave it to the woman that kept the house for him; and I have seen officers receive it.

Q. From other girls? A. Yes, sir.

By Chairman Lexow:

Q. You say officers receive it from the madam of the house where you staid? A. Yes, sir.

Q. You saw her pay the money over to the officer? A. Yes, sir; I have.

Q. How often? A. I could not number the times.

Q. Was it once a month or once a week? A. Every week.

Q. Every week? A. Yes, sir.

Mr. Goff.—This is a phase, and a revolting phase, Mr. Chairman, that has not been alluded to or testified to regarding a custom that exists in New York; and I suppose it is the lowest form of oppression and corruption that possibly could be conceived by the human mind; and that is a tax upon these unfor-



tunate women in the street at night; for they will not be allowed to walk the streets at night unless they pay so much to the officer, and this has been the custom in many districts of this city for years.

Chairman Lexow.— I would get at the details of that a little more clearly.

Mr. Goff.— Yes, sir.

Q. Were you in 176 Thompson street? A. Yes, sir.

Q. What sort of a house was that? A. It was a house you could take in company.

Q. Of the same character as the one in Bleecker street? A. Yes, sir.

Q. Wasn't that a panel-house? A. Well, something like; that is what they call it.

Q. And men were frequently robbed in that house? A. Yes, sir.

Q. Well, do you remember any particular case of men being robbed in that house; where the officers made trouble? A. No, sir; I can not name any particular time now.

Q. Do you remember one night when you had a pretty good-looking fellow with you from the country, and you "lifted" him to the extent of \$180; do you remember that? A. I remember that; but that was not in Thompson street.

Q. What house was that in? A. No. 123 West Third street.

Q. That was another panel-house? A. Yes, sir; in the rear.

Q. Can you tell how that little thing was done about that \$180? A. It is a little mystery to me; but I will tell you what little I think of it; the money was taken from the man; and when the man came in with the officer, the woman was not there.

Q. The woman who took the money? A. Yes, sir.

Q. It was not you that took it? A. Yes; it was me.

Q. How did you manage to take it; did you get your hands in his pocket; just tell us? A. Well, I guess it must have fallen out on the bed; but anyhow he was relieved of it.

Q. He was relieved of it anyway? A. Yes, sir.

Q. How about this panel business; will you explain how this panel has been worked? A. I have never been in any of these real panel houses; I suppose that is the good name for these dives; but about this \$180. the man came and I was not there, and he did not arrest anyone.

Q. The officer did not arrest anyone? A. No, sir.

Q. And afterward he went out with the man? A. And came back and said that the woman had to give up to the woman of the house.

Q. What officer was that? A. It was Officer James Derrivan, of the Fifteenth precinct.

Q. That is the station-house in Wooster street? A. Yes, sir.

Q. How long ago was that? A. As near as I can remember it was in the fall of 1893; I can not say what month.

Q. It is about a year ago? A. Yes, sir.

Q. You say the officer went in and demanded the money should be returned to this man? A. He said, "You must give me that money, and I will give it back to the man and the man will give no trouble;" Annie Brown gave him the \$180.

Q. Did you give the woman the \$180? A. Yes, sir; that was the rule of the house, that when you done such a thing to hand it to the madam; and she gave the \$180 to the police to hand to the man, and I went to the station-house and reported it, and the man had not been to the station-house, I met him on the street.

Q. Mr. Hanlon said nothing about it? A. He was the wardman, and he accused Mr. Derrivan about it, and he goes to the man's address and has him arrested, and then the man did not appear against me, so Judge Hogan gave me good advice and discharged me; after that I was sick and went to the hospital; I got out, I think, in December last; Mr. Derrivan had written a letter to me up there, and said there was \$10 left at headquarters for me; I did not know anything about \$10, so when I got it I seen it, and he said, "Come over to the house, there is \$10 for you."

Q. Was Derrivan in uniform when he said that? A. No, in citizen's clothes; I went over, and he gave me two \$5 bills after Derrivan talked with the clerk; he then talked with some man named Sullivan, and he opened a book in which was a receipt, that I should sign my name; I received that \$10 after signing my name, and I seen \$180 in writing there, in some fine print; I did not have the chance to read; and I told him I thought that was the \$180 that he said he went to the property clerk after I was discharged; and I accused him of getting some of his friends to collect that money back, and he said, "Nothing of the sort, that was the number of the receipt," and any way the \$10 was not mine, and I did take it because I was sick and needed it.

By Senator Bradley:

Q. But you were signing a receipt for \$180? A. I seen the \$180 up above, and I thought I was signing it; I did not get an opportunity of reading it.

Q. And guessed you signed a receipt for \$180? A. I think so myself.

By Mr. Goff:

Q. When a man is robbed in those places, and he makes an outcry about it, what is the general course pursued? A. What is the general course?

Q. Yes; what does the man do who has lost the money? A. Well, he should get his money back if justice was done.

Q. What does he do? A. He, as a general thing, goes out to an officer and complains, and sometimes he goes to the station-house.

Q. Have you ever heard an officer talk with the man? A. I have seen them go off down the street together, but their conversation I could not hear what it was.

Q. Have you ever heard the officer tell these men that it would be better to drop the matter and not have their names mixed up with colored people? A. Yes, sir; I have heard that; "You better go off down the street, you have no business in such places."

Q. Hasn't it occurred, to your knowledge, several times, that after the officer has scared away the man, that the officer comes back and gets the money? A. I am sure he gets some portion of it

Q. After the man has been frightened off? A. I think so.

Q. And that is the general custom? A. Yes, sir.

Q. How many times have you been arrested altogether? A. Oh, I could not tell; quite a number.

Q. Have you been sent to the island every time you have been arrested? A. No, sir.

Q. How many times have you been to the island? A. Five times, I think.

Q. Did you serve out your sentence each time? A. No, sir; I got out once from six months, and I got from a month a couple of months.

Q. How did you get out? A. Well, I don't know; my fine was paid; they got a lawyer.

Q. How much was your fine? A. I had two 10 days, a six months and a month I got out from.

Q. But you gave nothing to get released from the prison or workhouse yourself? A. No; my friends got a lawyer, I suppose, and he got me out.

Q. It is quite a common thing for women of your class to get down from the island after they are sentenced? A. I suppose if they have got money they can get out.

By Chairman Lexow:

Q. You mean to say it is simply a question of money whether you get out or stay in? A. It seems so.

By Mr. Goff:

Q. Where a man is robbed, when he goes to the station-house the captain usually sends a wardman with him, doesn't he? A. Yes.

Q. And the wardman "throws him off," to use a common phrase, "Give him a ghost story"? A. Yes; but some men have sense enough not to take the "ghost story."

Q. Some men that have been robbed? A. Yes, sir.

Q. Give us an illustration of the "ghost story"? A. I can not tell; I do not exactly hear it all the time.

Q. You have heard it sometimes? A. Well, they can not find the girl, and the girl is off and away to Europe by now, or Philadelphia, or some other place, and naturally you will lose your work if you bother with her, and it would be a disgrace to your family, etc., and drop it.

Q. That is what the wardman tells the stranger? A. It is warning enough not to go to such a place again.

Q. And after the stranger is scared off, the wardman goes to the house, and isn't it a rule that the money he is robbed of is divided with the police? A. I have heard it ever since I have been around; that is about nine years.

Q. Where do you come in when you steal \$180; where does your profit come in? A. If the man went away quietly the wardman would have received \$90 of the \$180, and I would have got \$45 out of the remaining half.

Q. And the madam got \$45? A. Yes, sir.

Q. And the wardman gets, in this case, fifty per cent. of the loot? A. Yes, sir; that is so.

By Mr. Goff:

Q. In case of a new wardman coming there, isn't he generally introduced by the madam to the girls? A. As a general thing the wardman and detective come down Saturday night about 9 o'clock and they will go into the front room, and after the madam has seen him, if the girls are bold enough they will walk into the room, and laugh and "kid" with him, and if you go in the room where they are you are spotted out, and she says, "My girls, don't trouble them."

Q. Have you ever heard the word, "cruisers" used? A. Yes, sir.

Q. Is that the polite name by which the madam introduces you to the wardman — as her "cruisers?" A. Yes, sir.

By Chairman Lexow:

Q. That refers to those of you that walk on the streets? A. Yes, sir.

By Mr. Goff:

Q. Have you known of girls who refused to pay being arrested more frequently than those who did pay the \$1 a week? A. Yes; I have.

Q. Can a cruiser, as she is called, cruise around the streets there at night unless she pays? A. Not very well.

Q. She runs a risk of being arrested? A. Yes, sir; at all times; whether you are doing any harm or not.

Q. If you don't pay? A. That is the idea.

Q. And if you pay you are all right? A. Yes, sir.

Q. Did you ever hear of girls, or any girls, of your own knowledge, having to pay 50 cents a night to the patrolman on the post? A. Yes; I have heard of them doing it.

Q. Do you remember, a little while ago, when their rates were raised from 50 cents a night to \$1 a night, for a few weeks before Christmas last; didn't you hear of that order? A. No; I did not hear of that; I only hear about the houses I go in myself; the woman demands this \$1 a week for the officer on the beat.

Q. Now, for this \$180; the officer knew very well that you had taken it, didn't he? A. He surmised I did it, but after I was arrested, and he did not give me any satisfaction, I told him I would tell it to the judge unless I found out what he did with the \$180.

Q. What did he say then? A. He came and talked with me, and said he would make it all right, and the man would not appear against me, and the money would go to the property clerk.

Q. And the man did not appear against you? A. The man was outside the court, and Mr. Derrivan had a consultation with him, and after that he did not come in, and when I was called up he did not appear, and I was discharged.

Q. The complainant was not there, and you were discharged?  
A. Yes, sir.

Q. That officer belongs to the Fifteenth precinct? A. Yes, sir.

By Chairman Lexow:

Q. You say that you had heard about women paying 50 cents a night; have you ever known of it; have you ever seen it done?  
A. No, sir; I have not seen it myself.

By Senator Bradley:

Q. Did you ever pay any? A. No, sir; only the dollar I gave was to the people whose house I go in.

Q. That is your license; you paid your license to the madam?  
A. Yes.

By Chairman Lexow:

Q. How many houses did you go into of this description?  
A. Oh, I have been in several.

Q. Give us the number, as near as you can? A. Well, lately, I went in 176, and was in 176 before this woman that lives in there now was there.

Q. What street? A. Thompson street; in the basement; I have been in 170 Thompson street; in the basement, when Mrs. Martin had it.

Q. How many houses have you been into to which the rule as to payment of money and the division of property applies? A. Everyone that ever I entered.

Q. How many? A. About two dozen, I guess.

Q. About two dozen houses? A. Yes, sir.

By Senator Bradley:

Q. All around Thompson street? A. Not only the Fifteenth ward; but up town.

Q. What you say is a general custom? A. A common occurrence.

Q. Is that tariff fixed, the \$1, in each one of those houses? A. Everyone I have been in; yes, sir.

Q. And also the payment of 50 per cent. to the wardman, or the policeman, in case of panel theft? A. Yes.

Q. That he should get one-half? A. Yes, sir.

Q. And that applies to all these 24 houses you speak of? A. Yes, sir; every house I went into of that kind.

By Mr. Goff:

Q. Where you are committed to the island, you are committed in default of bail, are you not? A. Yes, sir.

Q. Do you know how you get out when bail is not given? A. I do not know anything about that; all I know, you get a lawyer and he gets you out if you pay him so much.

Q. Who is the lawyer that does that kind of business? A. Well, any lawyer, I suppose; I don't know.

Q. You have no special counsel; under a general retainer? A. For the six months, I got Jacob Berlinger to get me out.

Q. Don't you pay something to the man that goes bail for you? A. I don't know; I don't.

Q. It is done for you? A. All you have to do is to get the lawyer and pay him, and he gets you out, that is all I know about it.

Q. And each time, when you were rearrested, there was nothing said about your former conviction, was there? A. No, sir.

Q. I suppose the majority of the women up there in the work-house are in precisely the same condition as yourself, are they not, committed to the island in default of bail? A. Yes, sir.

Q. And any of them that has money enough, or their friends money enough outside, can be gotten out after their being sentenced to the island? A. Yes, sir.

Q. You don't know how it is done; but it is done? A. I do not know how it is done, but it is done.

By Chairman Lexow:

Q. How long have you been there on this last trip? A. I was there a month the 15th of this month.

Q. How long are you sentenced for? A. Three months.

Chairman Lexow.—Any further questions, Mr. Goff?  
Mr. Goff.—None.

Hattie Ledyne, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. How long ago was it that you were sentenced to six months on the island? A. I was sentenced to six months the 28th of September.

Q. You were sentenced to six months on the island on the 28th of September? A. Yes.

Q. And you went to the island? A. Yes, sir.

Q. And when were you discharged? A. Yesterday.

Mr. Goff.—You note that, Mr. Chairman.

Chairman Lexow.—Yes, sir.

Q. How did you come to be discharged before you served a month? A. Well, there was a friend of mine, he had a lawyer, I suppose, or an influence, and got me out.

Q. A lawyer with influence? A. A lawyer or influence got me out.

Q. Do you know how it was done? A. No, sir; not this time; I didn't.

Q. You didn't know this time? A. No, sir.

Q. You had been up there some times before, hadn't you? A. Yes, sir.

Q. Tell us how many times you have been arrested altogether? A. One hundred and two times.

Q. One hundred and two times? A. Yes.

Q. Within what period of time have you been arrested for 102 times? A. Two years and a half.

Q. Within two years and a half; that is since Dr. Parkhurst commenced his crusade? A. Yes, sir; he gave me one month in the "Pen," too.

Q. The doctor did? A. Yes, sir.

Q. You were cruising for a good many years before you were arrested? A. I was living in a parlor-house.

Q. Well, hadn't you been promenading the streets at night? A. No, sir; they don't promenade the streets; you have got to sit in the parlor.

Q. You have got to sit in the parlor with the shutters open? A. Yes, sir.



Q. Since the last two years and a half, were you on the street when you were arrested so frequently? A. Yes, sir.

Q. How was it you left the parlor-house to go on the street? A. The parlor-house got broken up.

Q. So you were driven out on the street? A. Yes, sir.

Q. While you were in the parlor-house, what parlor-house were you in before you went on the street? A. No. 223 Green street; it was not exactly a parlor-house, but, a bathhouse; it was an advertising house.

Q. A Russian bathhouse? A. No, sir; vapor and massage.

Q. A vapor-house? A. Yes.

Q. Was this house advertised as a bathhouse? A. Yes, sir.

Q. How long were you in that bathhouse? A. Five years and eight months.

Q. Where was that house? A. No. 223 Greene street, between Third and Fourth; Mrs. Brown's.

Q. How much did you pay for your board in that house? A. Twenty-one dollars a week.

Q. And you had to dress yourself beside? A. Yes; we did not need very many clothes, I guess.

Q. Was there any portion of your \$21 a week to go to the madam to pay for police protection? A. She always told—Miss Brown always told me she never paid police; I do not know; I was a greenhorn there.

Chairman Lexow.—How much longer do you expect to sit?

Mr. Goff.—I would like to sit with this last witness. She was discharged yesterday. We have been trying to get her from the island, and yesterday she was discharged, and by accident we have got the witness now.

Chairman Lexow.—About an hour from now?

Mr. Goff.—Yes.

Q. Did you ever see any police officers in that house—the bathhouse? A. No, sir.

Q. Did an officer of the name of Churchill ever call upon you there? A. Once or twice.

Q. What did he call upon you for? A. Well, I guess I—I was stuck on him, I guess; that is all.

Q. Did you ever give him money? A. No, sir.

Q. Did he beat you? A. Oh! let me see; it was one Christmas time; we held a little jollification; we were both drunk; he was detailed at Stern's Brothers.

Q. He was a regular police officer, wasn't he? A. He was during the holidays, I suppose, to catch the crooks that came into the drygoods stores.

Q. He belonged to that precinct—the Fifteenth precinct? A. Yes, sir.

Q. You say, you and he had a little jollification? A. Yes, sir; and we got a "scrappin'."

Q. Which got the worst of it? A. I guess I did; and we made up again.

Mr. Goff.—It is a very unsavory matter, Mr. Chairman, but it leads to show the workings and the immoral degradation. I will handle it as well as I can. It is a very unpleasant subject.

Q. He wanted you to do certain thing, did he not; he wanted you to do something which you would not do; is that true? A. Yes, sir.

Q. Something that you would not name; isn't that so? A. Yes, sir.

Q. When you would not do what he wanted you to do, how did he act with you? A. He got into a rough and tumble fight.

Q. He beat you, didn't he? A. Yes, sir; and I digged him pretty well, too.

Q. Did you make a complaint against him after that? A. Yes, sir; I did.

Q. To whom did you complain? A. Inspector McAvoy.

Q. Where did you go to make that complaint? A. Room 4, in the basement, 300 Mulberry street.

Q. At headquarters; did you tell Inspector McAvoy all that occurred? A. Yes, sir.

Q. What became of the complaint? A. Oh, we made up; I did not go back any more.

Q. Who induced you to make up? A. I thought it was best for my own self.

Q. You thought it was best to do that; who asked you to make up? A. I made up when they all asked me to make up.

By Senator Bradley:

Q. Who asked you? A. Several of them.

By Mr. Goff:

Q. Who were they; tell us one? A. There is Mahoney and Ready.

Q. Those are policemen? A. Yes, sir.

Q. Mahoney and Reagan? A. I have always called him Ready.

Q. Did you get any money that time? A. Yes, sir; I got money.

Q. How much money did you get? A. I got \$35; not from him though.

Q. Who gave it to you? A. It was sent around to me; I do not know who it was.

Q. Who brought it around to you? A. A fellow they call "George," a bootblack.

Q. Did he say from whom it came? A. Yes, sir.

Q. What did he say? A. He said that Mr. Churchill sent it to me.

Q. And did George tell you something else that Churchill promised to do for you? A. Promised to see me; see me later.

Q. Did he say anything about your getting arrested again; did George tell you that Churchill said anything about your being arrested, or that you would not be arrested? A. Oh, he said that he would be a friend to me.

Q. Were you arrested after that? A. Many a time.

Q. How long after that incident were you arrested? A. Well, about four months.

Q. That was a long time for you to go without being arrested? A. Yes, sir.

Q. You had four months' protection? A. Yes.

Q. Now, you have had to pay a good deal of money in that length of time, haven't you? A. Yes, sir.

Q. A good deal of money to the police? A. I paid a little to the judge.

By Senator Bradley:

Q. She paid a little to the judges, too, she said? A. Most of it went there, too.

By Mr. Goff:

Q. You need not be afraid, we are not going to do anything?  
A. I paid most of mine to the judge.

By Chairman Lexow:

Q. You paid most of your money to the judge? A. Yes, sir.

Q. To what judge? A. Voorhees, Ryan and McMahon.

Q. You mean in the way of fines? A. Fines; yes, sir; many a time I would go up on the island but would not stay, and would have to pay just the same.

Q. You would pay a lawyer, would you not? A. If I got a month I would not pay the lawyer but pay \$15.

Q. When you got a month you did not pay a lawyer but paid \$15, and got back on the street? A. Yes, sir.

Q. Who did you pay the \$15 to? A. To the clerk of the court at the desk there.

By Mr. Goff:

Q. You don't mean to say that when you paid the money to Judges Voorhees, Ryan and McMahon, that you gave it to them personally? A. No; you paid it to the clerk there.

Q. The only reason you have mentioned the judges names, is that the judges were on the bench at the time in the court? A. Yes, sir; that is it.

Q. So far as the judges are concerned, they had nothing to do with it, had they; so far as you know? A. Oh, yes; I guess so; so far as I know; when I am upstairs if I want to send a messenger boy for some friend of mine and happen to pay the fine, they pay it to the keeper.

By Chairman Lexow:

Q. That is what I asked you before, whether this amount that you say you paid to the judges, you paid in fines; that is what you mean? A. Yes, sir.

Q. Were you fined \$15.

Mr. Goff.—No, pardon me. What she meant by the \$15 was she paid it to the clerk to go on the street.

The Witness.—No; pay \$15 for one month's sentence.

Q. Fifteen dollars or one month? A. Yes, sir.

Q. You paid \$15 to the clerk? A. Yes, sir; the clerk sits beside the judge.

Q. Yes; and you would go on the street until you were arrested again? A. Yes.

Q. And then pay a fine again? A. Yes.

By Senator Bradley:

Q. What was the sentence the judge imposed upon you; what was the sentence for which you say you got, when you say you got a month on the island? A. For soliciting.

Q. Did the judge say to you, "Fifteen dollars fine or thirty days on the island?" A. No, sir; he said one month.

Q. No fine? A. No; one month.

By Mr. Goff:

Q. The sentence is one month? A. Yes, sir.

Q. Nothing said about a fine? A. No, sir.

Q. Simply said a month on the island? A. Yes.

Q. And after the sentence is passed upon you, you are able to keep yourself from going to the island by paying \$15 to the clerk? A. Yes, sir.

Q. And then you can go on the street? A. Yes, sir.

Q. How many times out of the 102 times you have been arrested have you been sentenced to the island and you have never gone to the island? A. I got each sentence to the island nearly every time, about; I seldom got 10 days; I always got a month or three months.

Q. How many times out of the 102 times have you gone to the island? A. I didn't pay about eight times, to the island.

By Chairman Lexow:

Q. Have you on the other occasions always paid \$15? A. Not only \$15; I have paid as high as \$80.

Q. Paid as high as \$80? A. Certainly.

Q. To the clerk of the court? A. No.

Q. Who to? A. Lawyer Webb; I had one year.

Q. He got you out when you were sentenced to one year? A. Yes.

Q. And it cost \$80 to get out? A. Yes, sir.

By Mr. Goff:

Q. Were you put on the island after that sentence? A. Yes, sir; six days.

Q. And you paid \$80 to Lawyer Webb? A. Yes, sir.

Q. And you were sent down? A. Yes, sir.

Q. And you were arrested again? A. Yes, sir.

Mr. Goff.—You see it is a continual sowing and reaping, sentencing these poor unfortunates — this woman 102 times in about two years; nearly once a week.

Q. How many times have you been sentenced to the island? A. I have been on the island eight times.

Q. Haven't you been sentenced to the island 30 times? A. Yes; but I came down.

Q. You came down every time? A. Yes, sir.

By Chairman Lexow:

Q. She said about every time she was sentenced until she was sentenced to the island? A. I was sentenced every time to the island.

By Mr. Goff:

Q. You were sentenced to the island 102 times? A. Yes.

Q. You have been up there eight times? A. Yes, sir.

Q. Have you ever served out your sentence? A. Only one month and 10 days.

Q. One sentence or two? A. Two times, when I was locked up for keeping a disorderly-house; I done that in the penitentiary.

Q. That was where Dr. Parkhurst had you? A. Yes.

Q. That is the only time you served out your sentence? A. Yes; the 10 days; the reason I done that I paid four fines in one week, and the fifth one that came I thought I would go to the island.

Q. When you say fines, you do not — ? A. Ten days or \$10, \$1 a day.

Q. And you say there was one week in which you were fined \$10 four times? A. Four times; and the fifth time I went on the island.

Q. Can you tell us how many times you have paid Lawyer Webb for getting you out? A. Somewhere about 34 or 40 times.

Q. Well, had he a regular price for getting you out? A. No, sir; it was according to what I was charged with.

Q. According to the length of your sentence? A. Yes, sir.

Q. And if you had a short sentence you had to pay less? A. Yes, sir; and if he thought you had money you had to pay more.

Q. Isn't it a fact that around Jefferson Market Police Court that the girls there that are arrested can have bail at any time by paying for it? A. Oh, around the Fifteenth they can have bail every night.

Q. In the Fifteenth precinct? A. Yes, sir; in the station-house; if you get arrested and do not want to stay over night, you can pay the \$5 at the desk to the sergeant for a bondsman, and you can come out.

Q. By paying, you say, \$5 to the sergeant at the desk? A. Yes, sir.

Q. Is that so? A. Yes; but you have to get somebody to have security.

Q. Some property? A. Yes; or saloon; or something like that.

Q. A saloonkeeper, or something of that kind? A. Yes.

Q. Who gets this man for you? A. Well, Mr. ——— what's his name; Peter, the turnkey; the man downstairs; he is the man there.

Q. He does the running there? A. Yes.

Q. What do you mean, he does the running? A. He can go around to any place; the girls used to have Blumenthal to get them out; I always had that Mr. Burns, and had to pay extra \$5.

By Senator Bradley:

Q. When you paid Mr. Burns \$5 for going on the bail bond, they didn't excuse you from paying \$5 to the sergeant? A. Yes, sir.

Q. You had to pay the \$5 too? A. Yes, sir.

Q. That was \$10 you got back? A. No; he only gave \$10 to Mr. Burns, and the sergeant paid it back; I would only have to pay \$5 when I got Mr. Burns; I would pay the other to the sergeant; and he gave it back in the morning when I got to court.

Q. You never saw the sergeant pay \$5 that he gave the sergeant back?

By Mr. Goff:

Q. Do you know Mr. Burns? A. Yes; I work there once in a while.

Q. What is his business? A. He keeps a liquor saloon, 212 Wooster street.

Q. When you say you worked there; does he keep a house there? A. Yes, sir.

Q. For girls? A. Yes; you know—

Q. A bad house? A. Yes, sir.

Q. Upstairs over the liquor store? A. Yes, sir.

Q. When you say you worked there, do you mean you had a room there? A. No.

Q. You were in the house as a girl? A. No, sir; I get in the notion of doing work sometimes; I got tired, and when she has not any servants I would help her out.

Q. While you were on the street, did you ever have to give money to the man on the beat? A. I did not have to.

Q. Did you give? A. I used to say, "Go and buy a cigar," you know; or something like that.

Q. How much would you give an officer? A. Sometimes \$1; sometimes 50 cents—anything.

Q. Sometimes 50 cents and sometimes \$1? A. And sometimes nothing.

By Senator Bradley:

Q. Would the officer demand that of you any time; would not they demand 50 cents or \$1 on the street, when they asked you why you were "cruising;" did no officer ever ask you for anything on the street? A. Only a cigar, or something like that.

Q. You knew you did not have any cigars in your pocket? A. Sometimes they saw me around all night, and thought I had some change.

Q. They did not ask you for the change you made in the night? A. Well, cigars.

By Chairman Lexow:

Q. Did they or not; did they ask you for the change you made over night? A. Oh, no.

By Senator Bradley:

Q. They would ask for something? A. They would ask for cigars or anything like that.

By Chairman Lexow:

Q. What did they mean when they asked for a cigar; they did not mean you should give them a cigar, did they? A. I don't know.

Q. What did you do? A. Sometimes I would be half drunk, and I would have money, and I would give them a dollar, and tell them to go and buy a cigar.

By Mr. Goff:

Q. Did the officers on Wooster street complain of you when you could not pay the rent? A. They would tell me my rent was due.



Q. They would tell you your rent was due? A. Yes.

Q. Who told you; give us the name of one of the officers that told you your rent was due? A. They are not on there now.

Q. Give us the name? A. Casmeyer is one.

By Senator Bradley:

Q. What is the other? A. The other one is named Mahoney.

Q. What are the others? A. Those are the only ones.

Q. How much was your rent? A. Oh, I guess — I just told you; sometimes I gave them a dollar when I had it.

Q. If you forgot to pay them they told you your rent was due; is that it? A. Yes, sir.

Q. Don't you know that is the regular custom among all the girls, to pay rent to the policemen? A. Yes, sir.

Q. And those poor girls that are called "cruisers" on the street, they have to pay to every man on the beat, haven't they? A. As a general rule, I guess.

Q. Did you ever know a wardman by the name of Peterman? A. Yes, sir.

Q. Did you ever pay Peterman any money? A. No, sir; I did not.

Q. Did he ever ask any of you? A. No, sir; he never had any dealing with me; I used to work in a house down there; I used to live in 176.

Q. That is a panel-house? A. No; but he used to come there; I used to see him there.

Q. Did he use to visit that house? A. Yes.

Q. Did he have a girl there? A. No, sir.

Q. What did he visit it for? A. He wanted to see the madam.

Q. That was a panel-house, wasn't it? A. Not exactly a panel, you know.

Q. But it was a house where the girls used to "lift" the men — the money they had? A. I guess so; I never had any squeal about the money I lifted.

Q. Nobody squealed against you? A. No, sir; because if I took all I would take a piece of paper and put it in his pocket-book.

Q. So, if you took all the money, you would be sure to put a piece of paper in his pocket-book? A. Yes, sir.

Q. And he would go off thinking he had the money in his pocket-book? A. Yes.

Q. Were there not many times when the men squealed about the money having been taken from them; didn't they frequently squeal? A. I never had any person squeal on me.

Q. Well, now, I want to ask you; you know what a fly-cop is; don't you? A. Yes, sir.

Q. Did you ever have to pay money to a fly-cop? A. A fly-cop; no, sir; I never paid to him out of my hands.

Q. Didn't you give money to pay to the fly-cop? A. Yes.

Q. To whom did you give the money? A. Dorah Pope.

Q. Was she a madam? A. Yes, sir.

Q. How much a week did you have to pay to the fly-cop? A. Two dollars.

Q. How much did you have to pay for the roundsman? A. I never paid any roundsman.

Q. How much did you have to pay for the patrolman? A. I never gave any, I gave but \$2 a week for the fly-cop.

By Chairman Lexow:

Q. A fly-cop, is that the wardman? A. No.

Q. Is that the wardman? A. No; the ward detective is supposed to sit in the house; he is with the captain all the while.

Q. The ward detective is supposed to sit in the house? A. He is the captain's right bower, and if they are going to raid a house, he is the first man to go in, and then the squad after him.

Q. The wardman fixes it up before the squad reaches the house? A. No; as a general rule, if they go to raid they raid all right.

By Senator Bradley:

Q. Is it the wardman that went around that you mean as the fly-cop; is he the one that collects the money from the madam every month? A. That is the wardman.

Q. Did you ever hear the wardman say what he wanted the money for? A. No; she always got the money from me, and said she must get her cop money, to-night.

Q. She always asked you for cop-money every week, \$2? A. Yes.

By Mr. Goff:

Q. How much did you pay for that room or board there? A. I didn't have my room there.

Q. How much did you pay the madam; did you pay any money outside the cop? A. I paid her a quarter every man I brought in.

Q. That was the room money? A. Yes, sir.

Q. Did you ever have to give up to any policeman half the money you lifted from any man you went in with? A. No, sir; I never took all of it.

Q. Half of what you took? A. I never had a squeal about money in my life.

Q. Did you know of girls in the house who had squeals? A. I have heard of several squeals.

Q. In those cases do you know that the girls have to give up the money? A. The girl always gets out of the way; the man might knock her in the head.

Q. Afterward when the wardman comes around, or the policeman with the squealer, would not the girl have to give up the money? A. I don't know; not always.

Q. Do you know of some cases where she has had to give up the money? A. I guess there is very little she gave up.

Q. Now, where is Officer James A. Darrigan; do you remember him? A. I know.

Q. Did you pay him any money? A. Who; Darrigan? No.

Q. Are you sure? A. I never paid Darrigan; he paid the madam.

Q. Do you remember Officer Mahoney? A. Yes, sir.

Q. Did you ever pay him any money? A. Yes, sir.

Q. How much did you pay him? A. I have given him \$1, sometimes.

Q. Was he a patrolman on the post? A. Yes, sir.

Q. Do you remember Reidy? A. Yes, sir.

Q. Did you pay him any money? A. No, sir; he was down in Thompson street.

Q. Do you remember Officer Wing? A. What is it?

Q. Ewing? A. Yes, sir; Ewing,

Q. Did you ever pay Ewing any money? A. Yes; to the madam; and madam used to pay him.

Q. Do you remember Officer Thompson? A. Yes, sir; I know him, he is on Thompson street.

Q. Did you ever pay him any money? A. No, sir; I never had to pay him anything.

Q. Do you remember Officer Zimmerman? A. I do that.

Q. What about Officer Zimmerman; did you pay him money?  
A. No, sir.

Q. What did Officer Zimmerman do to you that caused you to remember him particularly? A. Well, he swore to a lie that I kept a house in Wooster street down town at the time.

Q. Did you have a fight with Zimmerman? A. Sure.

Q. Did he beat you? A. No, sir; I would not let him.

Q. Well, now had you trouble with Officer Zimmerman about a diamond stud, had you? A. No.

Q. Do you remember one time that you stole a diamond stud?  
A. Yes, sir.

Q. Do you know who it was you stole it from? A. No, sir.

Q. He was one of the men you picked up on your cruise? A. Yes, sir.

Q. And you slipped it out of his shirt? A. Yes, sir; I would not like to know the man either.

Q. You would not like to know him? A. No.

Q. He never turned up afterward to claim the diamond, did he? A. No, sir.

Q. What did you do with the diamond? A. I gave it to Captain McDonald.

Q. How did you come to give it to Captain McDonald? A. We were fast friends.

Q. Did the captain ever say to you that if you picked up any little trifle like that to think of him? A. Sure.

Q. Before that, did he? A. Oh, yes.

Q. Where were you when he said that to you? A. In 160 Wooster street.

Q. Was that a panel-house A. No, sir.

Q. Well, it was a regular bedhouse? A. Bedhouse.

Q. The captain never arrested you, did he? A. No, sir; I was never arrested in the Eighth ward before that, until week before last.

Mr. Goff.—Of course, Mr. Chairman, I feel the delicacy of the situation in calling out testimony, or introducing questions relative to a man who is dead. Though it may be unpleasant and disagreeable, yet we have got to pursue the man.

By Senator Bradley:

Q. Have any of the patrolmen or policemen abused you on the street? A. No, sir.

Q. You were pretty sociable with them all? A. Yes.

Q. Ever make any dates with them? A. No, sir; because there is no money in it.

Q. No money with policemen? A. No; I am looking for money, and so are they.

Q. You don't make dates with those fellows? A. No, sir.

By Mr. Goff:

Q. I want to ask you one more question; do you know how much money you paid altogether for getting out on bail from the police court? A. No, sir; I could not begin to tell you.

Q. You could not begin to count? A. No, sir.

Q. What were the amounts; can you tell us any of the amounts? A. From \$15 up to \$80.

Q. From \$15 up to \$80, each time? A. Yes.

Q. Differing in sums? A. Yes, sir.

Q. According to the length of the sentence imposed on you? A. Yes.

Q. You were liberated yesterday from the island? A. Yes, sir.

Q. And you have not served a month there? A. No; three weeks sentenced to-day.

Q. And you were sentenced to six months in the workhouse? A. Yes, sir.

Q. Did you do anything to get out yourself? A. No, sir; I only wrote to a friend of mine.

Q. You wrote to a friend of yours? A. Yes.

Q. And that friend of yours got you out; is that the idea? A. Yes, sir.

Q. Do you know how much money that friend put up to get you out? A. No, sir; I do not.

Q. Have you seen your friend since your discharge? A. Yes, sir; I have seen him; and I did not ask him; but, I suppose he will look for a house and lot; he is colored; he will look for a house and lot.

Q. He will expect a house and lot for getting you out? A. Yes, sir.

Q. He is a colored gentleman, is he? A. Yes, sir.

Q. Do you mean to say you would have to pay him some money? A. Yes, sir; certainly.

Q. Have you had to pay your friends in every case where they have got you out? A. Oh, yes, sir.

Q. Every time? A. Sure; if I get \$5 or five days, and haven't got it and I borrow \$5, I give him \$10 for it.

Q. If you borrow \$5 you give him \$10 for it? A. Certainly.

Q. The friend that got you out yesterday did not tell you the money you owed him? A. Oh, no.

Q. And you expect to pay? A. Yes, sir.

Q. And to pay pretty well? A. Yes, sir.

Senator Bradley.—Would it not be well to get the name of that friend?

By Mr. Goff:

Q. Give us the name of your friend; the Senator asks you for the name of your friend? A. Mike Stake.

Q. Where does Mike live? A. He lives in Union Stock Yards Hotel, West Sixty-fourth street.

Q. In Union Stock Yards Hotel, West Sixty-fourth street? A. Yes, sir; I don't know the number; I know it is near Tenth avenue.

Q. Did Mike ever get you out before? A. Yes, sir; he got me out before.

Q. More than twice? A. Yes, sir.

Mr. Goff.—I think that will do, Mr. Chairman, of this witness.  
Chairman Lexow.—That is all.

Arthur F. Dennett, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. Have you examined the discharge papers in the case of Hattie, the witness that has just left the stand? A. I have; I found about two weeks ago, while I was up to Jefferson Market Court, that this Hattie Ledyne had been sentenced to the island by Justice Hogan, and I met her the 12th of February last at 118 Wooster street, while around in that vicinity with another agent of the Society for the Prevention of Crime; and at that time she told me she was running a panel-house; and it was arranged that I should take a friend there and have him done up, and she said an officer would assist me in having him robbed; that he would give up that money; and I also took down a picture on the wall, and I asked who that was, and she said that was a captain; I turned the photograph over and saw his birth-

day, and I asked her what that was before; she said she had to remember the captain on his birthday; and I said, "How do you remember him;" and she said, "I gave him a diamond stud;" and I found Lawyer Webb had been doing the law business for her; I met him there, and asked him how he succeeded in getting people off the island; he said, "By getting bail;" I said he had bailed her out 20 or 30 times; and since he has been in business he never knew a case where the bail was broken; although the cases come up there repeatedly.

Q. Did you observe on the paper, where one justice committed her by sentence, and another justice discharged her? A. I noticed on the papers to-day, over on Blackwell's island, that the discharge was signed by Justice Voorhes.

Q. Who was the justice who committed her? A. Well, I was told it was Justice Hogan.

Mr. Goff.—Of course, the law is, Mr. Chairman, that it is only the justice who commits can, upon proper cause, discharge her.

Mr. Goff.—We have a very pleasant duty to perform, Mr. Chairman and gentlemen, to inform you that we have the children of Mrs. Urchitel here in court. As you are aware, it was ascertained to be impossible to have them discharged by legal proceedings. They were committed by the Gerry Society to the Hebrew Sheltering Arms, and the mother was not allowed access to them. The officers of the Hebrew Sheltering Arms, at our request, instituted a thorough investigation of Mrs. Urchitel's case, and they found, through the officers and agents, that all that had been testified to against her here was absolutely false, and it followed, as a matter of course, that the evidence upon which these children had been torn away from her and committed to this institution was false. Upon that state of facts being brought to the attention of the officials of this charity, they have acted very generously and promptly, and they at once decided, even without the permission of Mr. Gerry, to restore those children to their mother. And in that connection it is proper for me to say that your colleague, Senator Cantor, was of great influence, and used his influence with the officers of that society to bring about this pleasant and happy reconciliation. I think we may say that for the first time since the institution of the Society for the Prevention of Cruelty to Children, that children so committed have been voluntarily surrendered and given up to their parents. There are other cases that have

come to our attention, but it is impossible to attend to them all. We find the institutions to which these children are committed are kindly disposed, and will do what lies in their power, but they are not willing to take such an advanced stand as the officers of the Hebrew Sheltering Arms have taken, because, I suppose, by reason of the case of Mrs. Urchitel having attracted so widespread notice, and attention. I think while we have had many harrowing scenes here, and listened to many harrowing stories upon this witness-stand during our month's investigation, there is at least one silver lining to the black cloud, and that comes here to-night; and it affords me pleasure, in your names, to give these children to their mother, and here is the mother to take them.

Chairman Lexow.—It is certainly a very agreeable conclusion, and the Hebrew Society are entitled to the recognition of the community.

Mr. Goff.—We request, Mr. Chairman, that you now adjourn until next Wednesday morning at half-past 10 o'clock.

Chairman Lexow.—Any announcement to witnesses?

Mr. Goff.—If you please, sir, have them here Wednesday morning.

Chairman Lexow.—All witnesses under subpoena for to-day will attend here again on Wednesday morning at half-past 10 o'clock; and the boarding-house keepers under subpoena to produce their books at that time. The committee will stand, and does now stand, adjourned until that hour.

Proceedings of the fiftieth session of the committee, Wednesday, October 24, 1894, at 10:30, a. m.

Present.—Senators Clarence Lexow, Edmund O'Connor, Daniel Bradley, Jacob A. Cantor and George W. Robertson. John Goff, of counsel for the committee.

Chairman Lexow.—The committee is ready to proceed.

Mr. Goff.—Mr. Chairman and Senators, for the first time since this investigation has taken place, or commenced its operations, I am compelled this morning to ask for an adjournment, not by reason of our inability to go on, but by reason of an occurrence that has taken place this morning. I wish before you announce the adjournment that you will instruct the witnesses to be here after recess who are under subpoena. I am not prepared, and it would not be fair either to the committee or to the subject of investigation, or to the matters that



I wish to interject in the examination this morning, with the matters pressing upon my mind that are now pressing. I told you, Senators, some weeks ago that a very important witness had been spirited away from us, a witness whose disclosures would equal anything yet brought before this committee. We had one morning here a great number of witnesses of importance for identification, and so forth, expecting this woman's testimony. She was under subpoena. At midnight she was taken away, her dress incomplete, a carriage rolled her away. We had her solemn assurance as well as the obligation of the subpoena of the committee that she would be here for us the first thing in the morning. We had had a great deal of labor with that woman. We lost track of her. You remember the morning, Mr. Senator, when I told you what occurred, and we had to do the best we could with other material that day, and I may say here that not one day of this Senate investigation have we had to halt a moment for lack of testimony, nor have we to-day. We started to discover the whereabouts of that woman. We were satisfied that the police department of this city, or their agents, had been instrumental in taking that woman away. We traced that woman to Jersey; from Jersey to various places in Canada; from Canada to one of the great cities of the West. For the last week we have oscillated backward with our men there to try and get that woman on to New York; and I may say here that from advices from the city of Chicago for the past week, which was reliable and trustworthy, the information came that over 100 women who kept houses of prostitution in the city, and who had to pay large sums of money, larger than yet mentioned, are to-day living in Chicago and forming a sort of community among themselves until this committee adjourns.

Chairman Lexow.—We may never adjourn.

Mr. Goff.—That is the word I have sent. We succeeded finally. Mr. Chairman, in getting this witness' consent to come on to New York. I was advised by telegraph at various stages of the line. She was to arrive in Jersey City this morning, along with the men who accompanied her. We sent out additional men to Philadelphia to meet them; and in Jersey City this morning she arrived, and she and all of our men have been arrested, and are now under arrest in Jersey City, charged with kidnapping. The hearing was postponed this morning

until 11 o'clock. You can well understand, therefore, Mr. Chairman, why I do not feel like going on under such circumstances.

Chairman Lexow.—Who makes the charge?

Mr. Goff.—That we have yet to find out. A lawyer was there this morning waiting for them. Our men were hustled and threatened with violence by the Jersey City police. The police of Jersey City threatened to break their faces. They were treated with the greatest roughness and discourtesy, and dragged before a magistrate, and the matter was put down and postponed by a great favor, until 11 o'clock. Of course, I do not know, Mr. Chairman, all the details of what I consider an outrage.

Chairman Lexow.—Has it been brought to the notice of the authorities there, that those agents are the servants of the Senate of this State?

Mr. Goff.—Yes, sir; and they have been derided and condemned. Our men have told them. The subpoena has been shown to them. I have told them they came from this committee; but, notwithstanding that the woman herself wanted to come to New York, they arrested her, and all were placed my associates is over there, and I am waiting, of course, for under arrest in Jersey City, and are under arrest now. One of further advices. You will, I repeat, observe, Mr. Chairman, that I am not in a condition, nor should I be expected to go on under these circumstances.

Chairman Lexow.—To what hour do you want an adjournment?

Mr. Goff.—I ask until recess, sir.

Chairman Lexow.—What hour would that recess be, under the circumstances?

Mr. Goff.—Say, 2 o'clock. And I wish to say here, in hopes that through the flashes of electrical intelligence, it may reach the chief magistrate of Jersey City, that he has the reputation of being an honorable and upright man — Mayor Wanser; and I speak to him through these avenues of intelligence, and ask him if he will permit a conspiracy that was hatched in New York, three or four weeks ago, against this committee and against this State, and against law and order, to be accomplished and carried out by the overt act of outrage committed to-day, in Jersey City. I, in your name, ask the chief magistrate of Jersey City if he will permit that thing to be done.

Chairman Lexow.—Is it an undisputed fact in this case that this woman comes of her own free will and accord, and has herself been arrested?

Mr. Goff.—The whole party, sir. I can not give you the absolute details, but they are all under arrest. First, they wanted—as my information came to me rapidly, of course, it may not be accurate in every detail—first they wanted to let this woman go, get her away, but they insisted upon taking her.

Chairman Lexow.—The woman is over 21 years of age, isn't she?

Mr. Goff.—The woman is over 21 years of age and left the city of Chicago of her own free will.

Chairman Lexow.—How can the charge of kidnapping be made, except by her if she is single and over 21 years of age?

Mr. Goff.—We can not say; but it has been made; that is all. A gentleman whom I know personally, acts as counsel for this conspiracy, whatever it is, and whoever they are; and he is a Senator of the State of New Jersey.

Senator O'Connor.—The probabilities, Mr. Goff, are that the men who fear her disclosures are at the bottom of the arrest.

Mr. Goff.—I do not wish to indulge in any expressions this morning, because I do not want to do injustice to anyone; and until I have further and more complete information than I have I do not wish to say any more; but, certainly, if this thing be permitted to go on—and I hope to be able to prove by her in the hearing of the agent of the conspirators who sent this woman out of New York—I hope to prove by her the men who conspired to send her out of New York, and the money they appropriated to send her out of New York. I wish you would declare an adjournment until 2 o'clock, with a warning that all witnesses be here at that time.

Chairman Lexow.—All witnesses under subpoena this morning will attend here again at 2 o'clock this afternoon. The committee will stand adjourned until that time.

Mr. Goff.—I will say, Mr. Chairman, a newspaper man makes a request of me, which I think proper, under the circumstances, and which I wish to make to all, and, that is, announce the name of this woman. Since it is notorious now, her name is Matilda Herman.

Chairman Lexow.—The adjournment stands until 2 o'clock this afternoon.

## AFTERNOON SESSION.

October 24, 1894.

Present.—Senators Clarence Lexow, Edmund O'Connor, Jacob A. Cantor, Daniel Bradley, and George W. Robertson.

John W. Goff, of counsel for committee.

Mr. Goff.—Mr. Chairman, I am not in receipt of very definite information from New Jersey. I have retained counsel, a member of the New Jersey bar, and my associate has not yet returned. I have sent to the mayor of Jersey City. We made an endeavor to get the trunk here this afternoon, but it was taken away. Is the baggage-master of the Pennsylvania railroad here? (A messenger here stated that he had not come.)

Chairman Lexow.—Mr. Goff.—Won't it be possible to prove what we expected to prove through that witness now by secondary evidence?

Mr. Goff.—We hope to present to this committee a complete statement of her admissions, taken down at the time before she left New York. We expected to get hold of this trunk, containing certain documentary evidence or letters. That has been gotten away with this morning, and we hope, at the proper time, to present this statement if we are not able to present the woman herself. The matter is in such shape, my messenger tells me, that it will have careful thought; and I wish to say that so far as Mayor Wanser can aid it will be done. I am not, therefore, able to go on with this branch of the inquiry this afternoon. Now, there was one other branch of the inquiry I had scheduled for to-day. I may say plainly it was the testimony of Commissioner Sheehan. Commissioner Sheehan was here this morning in obedience to a subpoena. He requested me to state to the committee that this afternoon the commissioners have to pass upon the certificates of nomination, this being the last day. It was of supreme importance to the public and all parties that the full board of police commissioners should be there; and I felt myself authorized to say to him that the committee would excuse him until to-morrow morning; and, I would, therefore, say, Mr. Chairman, we are not prepared to proceed this afternoon.

Chairman Lexow.—Is there any branch of the inquiry which could be taken up, inasmuch as the Senators have met here at considerable inconvenience to themselves, that we proceed with, even if it does not dovetail into the testimony properly?

Mr. Goff.—Is Joseph M. DeBelser in court? (No response.)

Is Mr. Seagrist here? (No response.)

Chairman Lexow.—Any witness whose name is called should answer to the name. Mr. Seagrist.

Mr. Goff.—F. W. Seagrist; I wish to note his failure to respond.

Chairman Lexow.—The stenographer will note that the name of F. W. Seagrist was called at 2.27 p. m., and he failed to respond.

Mr. Goff.—Of course, Mr. Chairman, recognizing the fact that when we have sufficient material to occupy your attention all day we do not deem it necessary or prudent to send out subpoenas for witnesses whom we could not examine. This matter this morning has of course upset our plans, and the public engagements of the commissioner of police we must respect to-day. He tells us this is the last provided by law on which they can act upon those applications; therefore, I regret to say we have no material now we wish to go on with this afternoon. There may be witnesses here on subpoena which we would like to have present to-morrow, and I wish your honor would announce that all witnesses under subpoena will be here to-morrow morning at half-past 10 o'clock.

Chairman Lexow.—All witnesses under subpoena for to-day shall appear here to-morrow again at half-past 10. The committee stand adjourned until to-morrow morning at half-past 10 o'clock.

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Proceedings of the fifty-first session of the committee, Thursday, October 25, 1894, at 10:30 a. m.

Present.—Senators, Clarence Lexow, Edmund O'Connor, Jacob A. Cantor, George W. Robertson and Daniel Bradley.

John W. Goff, Esq., and Frank Moss, Esq. of Counsel for the committee.

Mr. Goff.—Captain Ryan, will you please tell Officer Cooney, one of the men of your department, to come in this courtroom and stay here, and not stay out in the hall.

Captain Ryan.—Yes, sir.

Chairman Lexow.—Are you prepared, Mr. Goff?

Mr. Goff.—Is Officer Cooney in court now?

The Officer.—Yes, sir.

Mr. Goff.—Well, officer, you will remain in court until you are called. It is but fair to say, Mr. Chairman, that a matter came to our knowledge this morning—a matter that we deem of very great importance to this investigation. We have devoted as much time as possible to its examination, as we do not wish to put anything in the shape of evidence on this witness stand, unless such evidence be sifted as far as we possibly can as to its truth and reliability. We have got to take, of course, the sworn testimony of witnesses; but, at the same time, the matter is so peculiar just now that I do not wish to take any chances if I can avoid it; and hence it is we have been busily engaged up to the present time in doing what we can to at least gain some information or intelligence upon the subject-matter that has come to us this morning. In reference to the matter of Matilda Hermann we have been informed that habeas corpus proceedings are about being instituted in New Jersey. It is but proper to say, and I take pleasure in the statement, that in so far as the chief of police of Jersey City is concerned, Mr. Murphy, that he merits our thanks for the prompt and efficient way in which he came to the rescue and defense of the messengers of this committee.

Chairman Lexow.— Judge Potts, also. )

Mr. Goff.— And in the same relation to a magistrate who does upon a charge preferred by our agents, for the purpose of trying to get her within the jurisdiction of this court.

Chairman Lexow.— Who is Dirks, Mr. Goff?

Mr. Goff.— Dirks is a man—

Chairman Lexow.— Is he a resident of this State?

Mr. Goff.— Yes, sir. )

Chairman Lexow.— Why hasn't he committed a contempt of the legislative body that we represent, and why can not proceedings be instituted against him at once for contemptuous proceedings against the Senate of the State?

Mr. Goff.— Of course, Mr. Senator, we have thought of that; but Mr. Dirks has seen proper for some time to keep himself out of the State of New York with many others; we have got evidence now in our possession of men who have—

Chairman Lexow.— Do these people understand that the Senate is not to be voted for this year, and it will certainly remain in existence a year after the 1st of January?

Mr. Goff.— I do not think their understanding goes beyond the narrow limits of their self-interest, or of their prejudices;

and our information is, as I said yesterday, that it has been commonly understood by this class of people, that this committee was to adjourn immediately on the eve of the election, that may be then this committee may adjourn sine die; they have been so informed, and that has been one of the weapons used from the first since this investigation commenced.

Chairman Lexow.—What I mean is, there may be a public impression that a new Senate will go into existence on the 1st of January. That is not the case. This Senate that we represent will hold over until one year from next January, so that these individuals will have to stay away till the 1st of January, 1896, in order to escape this committee and the Senate which it represents. (

Mr. Goff.—It is proper that the announcement should now be made, because there has been an impression to that effect, that this committee would die this year.

Chairman Lexow.—You have not answered the question yet; unless there is some good reason why it should not be answered, we would like to know who this man Dirks is, who is rushing into the teeth of contempt of the Senate?

Mr. Goff.—So far as our intimation goes, we regard him as a go-between between some person who is interested in keeping this woman away and this woman, and he has been acting as such. He has been watching our men, and his presence and name are not unknown around the Fifteenth precinct station-house in the city. I do not wish to say anything more in that light; and while it is not our purpose, and has not been at any time, to answer every question that may be propounded by individuals or through the public press, yet one influential morning paper that has always supported the work of this committee loyally, asks a pertinent question several times this morning, and I think it is so pertinent that we may answer it; that is, why this woman was brought by the Pennsylvania Central? We had very good reasons that she should come by the Pennsylvania Central; and we knew that there was a man with her in the pay of somebody here in New York accompanying her in all her movements; and we knew his movements, and we must be trusted with exercising the best judgment we could under the premises and under the circumstances; and further, it is but proper to announce here that this woman voluntarily paid her

own fare and selected the train by which she would come to New York.

Chairman Lexow.—Have you looked into the legal question as to whether or not this committee could appoint a sub-committee to take the testimony of this person in New Jersey?

Mr. Goff.—I have not any doubt about it, Mr. Senator, that this committee can do it, and I have considered it, because this committee can go, in my opinion, to Hong Kong if they want to, to take testimony, as long as that testimony may be voluntarily given. Of course, so far as issuing process is concerned its jurisdiction ends with the limits of our State, but if a commission be appointed by the courts of record of our State to take testimony in a foreign State there is a general commission—general warrant given by the Senate of this State to this committee to investigate and take testimony concerning a certain police department in the city of New York; and in my opinion wherever that testimony can be gathered, or wherever listened to, it is competent for this committee, or a sub-committee of this committee, to take that testimony; and we have been considering that phase of the case, Mr. Senator.

Senator O'Connor.—How would we administer an oath to be effective out of the State of New York; the powers of the court to appoint commissions.

Mr. Goff.—The oath, Mr. Senator, could be delivered by a commissioner of the State of New Jersey to a witness within the jurisdiction of New Jersey, and would carry with it all the force and effect of law as in our jurisdiction. A master in chancery, for instance. We had a master in chancery all ready in view to administer such oath. I think that difficulty can be gotten over if we can see our way properly to do that. I wish to ask Officer Cooney one or two questions. Officer, will you please step here.

Senator O'Connor.—We did not excuse Mr. Sheehan only for this morning.

Mr. Goff.—No, sir; and I expected he was here.

Chairman Lexow.—I saw a statement in the newspaper that Mr. Sheehan considers the permission made yesterday as operating as long as he had engagements in the police department.

Mr. Goff.—Certainly not, as far as my language conveyed it.



Senator O'Connor.—I think Mr. Sheehan should have word sent to him to come here.

Mr. Goff.—(Speaking to messenger.) Go up and tell Mr. Commissioner Sheehan that it is our understanding and express words to him that he was excused yesterday afternoon owing to his official duties, and the committee are waiting for him.

Michael J. Cooney, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. To what precinct are you attached now? A. Fourteenth precinct.

Q. What station-house? A. Fifth street and First avenue.

Q. Are you a wardman? A. I was.

Q. You are one of the wardmen relegated to police duty by the recent order of the commissioners? A. Two years and a half ago.

Q. Were you wardman in the Fifteenth? A. Yes, sir.

Q. Up to what period of time? A. April 19, 1892.

Q. And were you transferred then? A. Yes, sir.

Q. To where? A. Fourteenth precinct.

Q. As a policeman? A. Yes, sir.

Q. What was the reason that you were transferred to police duty? A. There wasn't any assigned.

Q. What? A. There wasn't any assigned that I know of.

Q. There was no general order issued then to wardmen to return to patrol duty? A. Yes; every wardman in the city as well as every police captain was transferred at the time.

Q. You were simply transferred? A. I was remanded to patrol and transferred to the Fourteenth precinct.

Q. Well, why were you remanded to patrol? A. I say, at that time all the police captains and wardmen were transferred.

By Chairman Lexow:

Q. Yes; but were all the wardmen remanded to patrol duty at that time? A. All; with the exception of four or five.

By Mr. Goff:

Q. Then all were not remanded? A. Not entirely.

Q. Where do you reside? A. No. 224 East Forty-ninth street.

Q. You were you say three years and a half wardman in the Fifteenth precinct? A. No, sir.

Q. How long were you wardman in the Fifteenth precinct? A. About 15 months.

Q. Under what captain or captains did you serve? A. Under Captain Brogan.

Q. Was that the only captain? A. I was there 24 hours under Captain Creedon; and I was there under Captain Ryan, after Captain Brogan left.

Q. How long were you under Captain Ryan? A. I think about three months.

Q. During the 15 months that you were wardman there, you were in civilian's clothes? A. Yes, sir.

Q. Of course, it was your duty to examine and find out the number of disorderly-houses in your precinct? A. One part of my duties; yes, sir.

Q. It was your duty? A. Yes, sir.

Q. Did you keep a record of the disorderly-houses in any private memorandum-book? A. I did.

Q. Have you got that memorandum-book with you? A. No, sir.

Q. Where is it? A. I don't know.

Q. What became of it? A. I think I lost it.

Q. When did you lose it? A. I can not say; it was mislaid in the transfer.

Q. When did you last see it? A. I don't remember seeing it in over a year.

Q. Did you see it after you were remanded to patrol duty? A. Yes, sir.

Q. Where did you see it? A. Why among my trinkets.

Q. What? A. Among the different trinkets I took with me from the Fifteenth precinct.

Q. Trinkets? A. Books, bedding and clothes.

Q. Do you include the gold watch that you received from Matilda Hermann as one of the trinkets? A. I don't know what you refer to.

Q. Isn't my question plain enough? A. I don't know as I ever received any gold watch from anybody.

Q. I am not asking you for your knowledge; I am asking you for the fact; did you include in the trinkets a watch that you received from Matilda Hermann? A. I can not include anything I never received.

Q. Did you include when you said trinkets, the watch you received from Matilda Hermann? A. I never received any.

Q. Answer my question? A. I am answering it; I never received any.

Q. You can say no to our question.

Senator O'Connor.—I don't think that is hardly a fair question. Suppose he says "No," that is assuming he did receive it; suppose he says "Yes?" What we want is the fact.

Chairman Lexow.—He can say no, he never received the watch at all.

Mr. Goff.—That is fair. The officer never said so.

The Witness.—I said I never received the watch.

By Mr. Goff:

Q. Did you ever get a watch from Tiffany's? A. No, sir.

Q. One with a monogram on? A. No, sir.

Q. Did you have a watch? A. One I have got now.

Q. Did you ever have a gold watch? A. I have got a gold watch now.

Q. I am not asking you for the gold watch now; I am asking, did you ever get a gold watch from Tiffany? A. No, sir.

Q. Do you know Matilda Hermann? A. Yes, sir.

Q. Did you ever go to Tiffany's? A. I had no occasion to.

Q. Will you answer my question fairly and squarely? A. I never went there; no, sir.

Q. Were you ever in Tiffany's, at Fifteenth street and Union square? A. I can not say that I was; not to my knowledge.

Q. Did you ever know of a person giving a name in Tiffany's in connection with a purchase of a watch, by the name of Guggenheim, or Buggenheimer, or some such name? A. No, sir.

Q. Goodenough, or any similar name? A. No, sir.

Q. Never heard of any such person giving any such name in Tiffany's? A. No, sir.

Q. You say you knew Matilda Hermann? A. Yes, sir.

Q. When did you first make her acquaintance? A. Some-time during the period that I was in the Fifteenth precinct; I can not remember when.

Q. How did you come to make her acquaintance? A. My official duties.

Q. What did your professional duties lead you to discover, if

anything? A. Executing a warrant in her house, was the first time I ever had occasion to meet her.

Q. What was the warrant? A. For disorderly-house.

Q. How long had you been wardman before you received this warrant? A. I can not say; I don't know.

Q. Had you been a year? A. No, sir.

Q. Six months? A. A short time afterward; I can not say.

Q. Get it down; how many months? A. I don't know; about a month or possibly two months, possibly three.

Q. That is a guess? A. Yes.

Q. Therefore, you have no knowledge upon it? A. No, sir.

Q. Had you been in that precinct before you were wardman? A. Yes, sir.

Q. How long? A. I think in the neighborhood of five or six years.

Q. And that was when you served a warrant — was the first knowledge you ever had of the existence of Matilda Hermann?

A. Yes, sir; personal knowledge.

Q. What do you mean by personal knowledge? A. I knew there were such people there but I did not know who they were.

Q. How did you know there were such people there? A. The place had been raided; I had been out in citizen's clothes under the captain there several times to make raids in the street, while I was on patrol, before I was made wardman.

Q. Had you ever raided that house? A. That I can not remember.

Q. Are raids so often? A. They were, yes.

Q. Will you wait until I ask my questions; were raids so frequent in the performance of your duty, that you can not remember this particular house? A. Not before I was made a wardman; no, sir.

Q. Will you swear you ever raided this house before you were made a wardman? A. No, sir; I will not.

Chairman Lexow.—He swore the first time he ever met her was in serving a warrant.

Mr. Goff.—He qualifies that by saying of his knowledge of her.

The Witness.—That is, to know her; yes.

By Mr. Goff:

Q. You knew her before that? A. Only by reputation.

Q. You knew her by reputation? A. Yes, sir.

Q. And you knew her outside of her house? A. No, sir.

Q. Did you ever see her outside of her house? A. Not during that time.

Q. During any time when you served the warrant? A. No, sir.

Q. Are you clear about that? A. Yes, sir.

Q. Don't shake your head; answer the question, please? A. I said, yes, sir.

Q. Now, you are certain the warrant was the first time you ever had knowledge of Matilda Hermann or of her business? A. I said that was the first knowledge I had of her personally, as being the madam of her house.

Q. When did you go to Saratoga with Matilda Hermann? A. I never went to Saratoga with Matilda Hermann.

Q. Did you ever stop at Congress Hall? A. No, sir.

Q. Were you ever in Congress Hall? A. No, sir.

Q. Were you ever in Saratoga? A. Yes, sir.

Q. How long ago? A. A few years.

Q. Two years? (No response.)

By Chairman Lexow:

Q. Can't you fix it more definitely, witness; one year, two years, three years, or four years; how many years? A. I should say about three years ago.

By Mr. Goff:

Q. What time of the year? A. Along in the month of July, I think.

Q. During the racing season? A. Yes, sir; July or August.

Q. You attended the races? A. I did.

Q. Lost money? A. Well, like all others, I lost and won.

Q. How much? A. That I can't say.

Q. One thousand dollars? A. I don't remember.

Chairman Lexow.—He said he lost and won.

By Mr. Goff:

Q. I asked how much you lost? A. I can't remember.

Q. Did you lose \$5,000? A. I can't remember.

Q. Were you broke? A. No; I had enough to get home, I guess.

Q. Was there another officer with you? A. There was a dozen officers in Saratoga I knew.

Q. Was there an officer with you on the racetrack, when you were broke? A. Lots of them on the racetrack.

Q. Suppose I say Officer Curry, for instance? A. I don't know such a man.

Q. Or Carey? A. Yes; I know Carey; but he was not there.

Q. Was he in Saratoga? A. No, sir.

Q. Are you sure? A. Positive.

Q. Did you wire anybody for money to New York? A. No, sir.

Q. Did you telegraph? A. No, sir.

Q. Or did you cause any one to telegraph to New York for money? A. No, sir.

Q. Did you ever hear of any telegram being sent for money? A. I did not.

Q. This is the first time you ever heard of it? A. The first knowledge I had of it.

Q. Give me an account of your movements, if you please, on the 9th of September, this year? A. The 9th of September?

Q. The 9th of September? A. That is impossible for me.

Q. Let us see if it is? A. Unless I refer to the blotter to see if I was off patrol.

Q. You were then on duty at the Fifth street station? A. Yes, sir.

Q. It is the rule of the station-house, and of the police that an officer has to report at every roll-call; isn't it? A. Yes, sir.

Q. And that if he is sent out on special duty it is noted? A. Yes, sir.

Q. And at every platoon, when he goes on duty it is noted? A. Yes, sir.

Q. And he reports on his return? A. Yes, sir.

Q. Do you know whether you were on duty on the 9th of September? A. I was; some portion of it.

Q. What portion? A. I can not say.

Q. Was it the dog-watch? A. I don't know; I am not in position to state.

Q. What platoon were you on on the 9th of September? A. Second platoon, Fourteenth precinct.

Q. What turn had the second platoon on the 9th of September? A. That I can not state.

Q. How frequently is it changed? A. Every 24 hours; they change two or three times; we may go on from 6 to 8 a. m., and

then go on from 1 p. m. until 6, and go off until 12 o'clock that night, and then remain on until the following morning.

Q. Can you give an account of any of the changes? A. I can not.

Q. Did you make any arrest on the 9th of September? A. Not that I know of.

Q. Were you sent to any place on special duty? A. Not that I know of.

Q. Have you any recollection at all as to the 9th of September? A. Not without reference to the station-house blotter.

Q. Can you give us any recollection whatever touching the 10th of September? A. No, sir; no particular day can I.

Q. Or the 11th of September? A. No, sir.

Q. Or the 12th of September? A. No, sir.

Q. You have no recollection of any of your duties on either of those days? A. I have no recollection of any specific tour of duty on either of those days.

Q. What was your tour of duty yesterday? A. Yesterday was my day off.

Q. The day before? A. Was my day on duty.

Q. What was your day on duty? A. From 6 to 8, and 1 to 6 in the afternoon.

Q. Aren't your duties odd or even days every month? A. Yes, sir.

Q. Can't you tell then what your days on are? A. If I stopped to figure back I suppose I could.

Q. Couldn't you tell the month of September; can't you state whether you were on odd days or even days? A. I was on even days.

Q. You were on duty even days? A. Judging from what to-day is, an odd day.

Q. So you were on even days in September? A. Yes, sir.

Q. You were off odd days? A. Yes.

Q. And the odd days you had at your own disposition? A. A portion of them.

Q. What portion? A. From 6 in the morning till 6 in the evening.

Q. That is a pretty good fraction of the day? A. Well a man requires some sleep after being out all night.

Q. Sometimes? A. Always.

Q. Had you been out all night before the 9th of September; the night before the 9th of September? A. Yes, sir; I was on the 8th and off the 9th; that is right.

Q. You had been out all night? A. Been out all night from 12 to 6.

Q. You were out all the night preceding the 9th of September; where did you go the 9th of September, the next day? A. Went home, and went to bed.

Q. Yes, what time? A. Seven o'clock in the morning.

Q. What time did you go to bed? A. Well, I do not know; I did not go home; some days I don't go home; some days I do go home.

Q. Would you swear you were not home the 9th of September? A. No, sir; I will not.

Q. Will you swear you were in bed during the noon-day hour of the 9th of September? A. Yes, sir; but I may not have been in bed at home.

Q. If you were not in bed at home, where were you in bed? A. I may have been there in Lafayette place, in the Russian bath-house; I go about once in every two weeks or so.

Q. Do you swear you were not? A. No, sir; I am not positive; I can not swear it.

Q. Are you positive you were in bed at any place on the 9th of September? A. I must have been.

Q. You remember you were? A. I do not know of any business that would keep me out.

Q. I ask you as a fact, yes or no? A. I would not swear either way; I am not positive.

Q. You are not positive whether you were off duty, or whether you were in bed, or in your home the 9th of September; that is a fact, is it? A. That is a fact.

Q. Let us take the next day; can you give us any more accurate information regarding the next day than you gave before?

A. The next day I would go on duty.

Q. What time did you go on duty? A. That I could not say; it may be my short day, and may be my long day.

Q. What day was it Matilda Hermann kissed you good-bye at the Grand Central Depot? A. That you will have to answer yourself; I don't know.

Q. I was not present at the osculatory exercise? A. **Neither** was I.

Q. I ask you what day it was Matilda Hermann kissed you good-bye at the Grand Central Depot? A. I do not know, sir.

By Senator O'Connor:

Q. Do you mean she did and forgot it? A. I mean she did not; positively not.



By Mr. Goff:

Q. Were you ever at the Grand Central Depot with her? A. No, sir.

Q. Or any other railroad depot? A. No, sir.

Q. Why, Cooney, didn't you accompany her to the Grand Central Depot? A. I did not.

Q. Did you not kiss her good-by, or she kiss you? A. I did not, sir.

Q. Did you know she was going? A. I did not.

Q. Didn't you get a subpoena to attend this court before Matilda Hermann left New York? A. And I was here.

Q. Didn't you get a subpoena to come? A. I did, yes sir; and I was here to attend.

Q. That was the first subpoena you got from this committee? A. I believe so.

Q. And you knew what it was about? A. I had no knowledge whatever.

Q. You knew, of your own knowledge, inside of your own head, what it was about? A. I had no knowledge one way or the other what it was about.

Q. Had you any idea what you were subpoenaed for? A. No, sir; not the slightest.

Q. What did you do with the diamond ring you got from Matilda Hermann down in Maiden lane? A. I never received any.

Q. Did she ever make a present to you of a diamond ring? A. No, sir.

Q. Of course, you have made up your mind to swear on a straight line in this matter, haven't you? A. I have sworn to tell the truth.

Q. You have made up your mind—? A. To tell the truth; yes, sir.

Q. Have you taken any interest whatever in Matilda Hermann, since the night you served a warrant upon her? A. No, sir.

Q. Did you ever see her after that? A. I served several warrants at her house; those are the only times I ever seen her.

Q. How many warrants did you serve at her house? A. I can not say, positively.

Q. Six? A. There may be four, or three.

Q. What is your recollection? A. I have no recollection on the matter, unless I had the memorandum-book; the blotter would show that in the Fifteenth precinct.

Q. Did you arrest her on each warrant you served? A. I believe I did.

Q. Don't believe; did you arrest her on each warrant that was served— A. That I don't know.

Q. Will you wait; did you arrest Madam Hermann on each warrant that you served? A. If it called for her—

Q. Did you arrest Madam Hermann on each warrant you served? A. Yes, sir; if she was there.

Q. If she was there? A. Yes, sir; I could not arrest her if she was not there.

Q. I am not arguing with you, and do not want you to argue back at me.

By Chairman Lexow:

Q. Don't testify by inference, but testify according to facts; do you remember or not each time you took a warrant to that house you arrested Madam Hermann? A. I do not know, sir.

By Mr. Goff:

Q. Does your memory fail you? A. It does.

Q. Failed you since you began on the stand? A. No, sir.

Q. Have you got a defective memory? A. I do not know as I have; I do not know as I have a very retentive memory.

Q. How long is it ago since you served the last warrant? A. In the neighborhood of three years.

Q. Why, I understood you here a while ago to say you served a warrant there when you were three or four months a wardman? A. That was the first one.

Q. You say the last one was three or four years ago, and you were wardman 15 months ago? A. I suppose two years and a half ago; going on two years I am out of the precinct; I could not be wardman 15 months ago, when I have been three years out of the precinct.

Q. How long is it since you served the last warrant? A. In the neighborhood of three years.

Q. Did you arrest her the last warrant you served? A. I do not remember.

Q. Did you ever arrest her? A. Yes, sir.

Q. How many times? A. I do not remember.

Q. Once? A. Positively once, yes, sir.

Q. When was that? A. I do not remember.

Q. Did you take her to the police station-house? A. I did.

Q. Was she locked up all night? A. She was.

Q. Was she bailed out? A. That I do not know.

Q. Did you take her to court the next morning? A. I did if she was not bailed out.

Q. Never mind, did you take her to court the next morning? A. If she was not bailed out it became my duty to take her.

Q. Did you appear against her? A. Yes, sir; I appeared against her the next morning.

Q. Were you the complainant? A. Yes, sir.

Q. Did you swear against her? A. To what I saw on my executing the warrant there.

Q. What judge was on the bench? A. I do not remember.

Q. What disposition was made of the case? A. I do not remember.

Q. And did you ever arrest her after that? A. That I could not say.

Q. Did you ever serve a warrant after that? A. I can not say.

Q. Will you swear you ever served more than one warrant upon her? A. Yes.

Q. How many? A. Well, I will swear to two.

Q. Two, we have now; were you complainant on either warrant? A. No, sir.

Q. You never went there except when a warrant was issued? A. Yes, sir.

Q. What brought you? A. When a warrant was issued.

Q. I said except when the warrant was issued? A. Oh, no; I misunderstood your question.

Q. That is your limit to being at her house? A. Yes, sir.

Q. And each time you had a warrant to serve? A. Yes, sir.

Q. And you were not the complainant? A. No, sir.

Q. What became of those warrants and the proceedings initiated by the warrants? A. I do not remember; I suppose they were left in the courtroom.

Q. What was the complaint against her? A. Keeping a disorderly-house.

Q. Each time? A. Each time.

Q. And you were not the complainant, you say? A. No, sir.

Q. Do you know who was the complainant? A. Some of the officers of the Fifteenth precinct; I do not remember who.

Q. Do you know what disposition was made of each of those cases — the final disposition? A. I can not remember without reference to the blotter.

Q. Now, you have limited those to two warrants? Do you wish to correct or modify that testimony in any way? A. I will be positive of two; I do not know but there will be more.

Q. You say you never were in her house except in the service of a warrant? A. Never; I said I tried to get in often enough.

Q. Tried to get in how many times? A. Oh, dozens.

Q. For what purpose? A. To try and get evidence against the house, if I could.

Q. Did you ever make a report? A. Certainly.

Q. Is that report on the blotter? A. Not that I know of; I reported verbally to the captain, and he detailed somebody else that was not so well known in the vicinity there.

Q. You say you tried to get in several times in the house to get evidence; were you in civilian's clothes? A. I was.

Q. Were you in civilian's clothes the night you served the warrants? A. I was.

Q. What did you do at the house you tried to get in and get evidence? A. I went to the door and pulled the bell.

Q. What was the response? A. No response.

Q. The door was not opened? A. No, sir.

Q. Did you do anything else? A. Nothing else for me to do, only to knock and pull the bell.

Q. Did you do anything else? A. I can't remember; only pulling the door bell.

Q. Your memory serves you that you pulled the bell? A. Yes; naturally.

Q. Why is it your memory fails you as to what you did next? A. Walked away from the door.

Q. And how many pulls did you give the bell? A. Two or three.

Q. Your memory is clear upon that? A. No, sir.

Q. Have you got no recollection about it? A. No, sir.

Q. Have you got a recollection that you did pull the bell? A. Yes, sir.

Q. You are clear upon that? A. Yes.

Q. And you pulled it once? A. Yes, sir.

Q. You are clear upon that? A. Yes.

Q. And then you walked away? A. Yes, sir.

Q. How long did you remain from the pulling of the bell until you walked away? A. Possibly, two or three minutes.

Q. Did you pull it a second time while waiting the two or three minutes? A. Yes.

Q. Well, are you sure? A. No.

Q. And you walked away and did nothing else; isn't that the fact? A. That is the fact.

Q. And you say that these were the efforts that you made to get into the house to get testimony every time? A. Yes, sir.

Q. And could you say how many times that you made these desperate efforts to get into her house by ringing a bell once and walking away; can you tell us about how many times? A. No, sir.

Q. Twenty? A. Possibly.

Q. Thirty? A. Possibly.

Q. I mean every evening? A. I mean every night; yes; every night I passed the door.

Q. Every time when you passed, nearly every evening? A. Yes; for a dozen times.

Q. What house was that? A. Nos. 137 and 139 West Third street.

Q. There was another house, wasn't there? A. I do not know.

Q. She kept a third house? A. I do not know.

Q. Would it surprise you to be told that while you were wardman of that precinct she ran a third house; would that surprise you? A. No, sir.

Q. I suppose you are not easily surprised by the numerical standing of the ladies of Mrs. Hermann's calling, are you? A. No, sir.

Q. Of which house did you ring the bell — 137 or 139? A. One hundred and thirty-seven.

Q. Why did you select 137? A. I did not select that at all myself; I went to both.

Q. You alternated from 137 to 139? A. Yes, sir.

Q. And you did that every evening you passed by there? A. Yes, sir.

Q. And the evidence, you state, was not forthcoming? A. Yes; they knew too much to open the door.

Q. How do you know they knew too much? A. They could see through the blinds of the window, and see me on the stoop.

Q. And every evening you went there you knew you were being observed on the stoop? A. Yes.

Q. And you knew as a detective officer — A. Yes.

Q. And you knew the duties of a detective, I assume? A. Possibly.

Q. You were there for the purpose of detecting crime? A. Yes, sir.

Q. And you went evening after evening to Madam Hermann's stoop with the knowledge that Madam Hermann or her young ladies were observing you through the shutters; isn't that so? (Witness nods his head affirmatively.)

Q. And every evening you went there, and with that knowledge you rang the bell and then walked off? (Witness nods his head affirmatively.)

Q. Don't shake your head; answer. A. Yes.

Q. Have you got honorable mention for your judgment? A. I have.

Q. For your detective skill? A. No, sir.

Q. It is a wonder. A. Yes.

Q. And you never detected anything during these efforts ever since you rang the bell, did you? A. I did not get any.

Q. You did not detect anything except the young ladies looking at you on the stoop through the windows? A. That was my supposition, they were looking at me, and that was the supposition; they didn't open the door.

Q. So you have been swearing to supposition? A. I didn't see them looking through the door; I said I thought they were looking through the window, and would not let me in.

Q. You are swearing of your thoughts? A. Yes; certainly.

Q. To the best of your knowledge and belief you went back there night after night? A. Yes, sir; it became my duty to go there as often as I possibly could, and make every effort.

Q. And you never made any other and second effort? A. There was only one effort to make.

Q. That is, to ring the bell and stand on the stoop for two or three minutes to be watched, and then walk away? A. When I did not succeed some other officer did; we finally got there.

Q. How long, can you give us—you have been a wardman and detective, and are competent as an expert upon that question—how long will it take a detective officer of the city of New York to discover evidence against such a house, pursuing the methods that you pursued at Madam Hermann's, how long would it take? A. He never would get it if he was known.

Q. And that is the reason they are never pulled? A. They are pulled.

Q. Not on the evidence you got? A. And on the evidence of an officer in the precinct; if one man could not do it another man can.

Q. I am talking about you; let every tub stand on its own bottom? A. So I do.

Q. You were a wardman and had a soft position? A. I do not think so.

Q. You clung on to it? A. I was detailed for the purpose, and had to perform my duty to the best of my ability.

Q. The night you had the warrant, what did you do; the first night; the first warrant? A. The officer that got the evidence against the house went there first; he not being known, of course was admitted in, and after he got in he admitted the rest of us.

Q. So it was not by your skill that you got in? A. Certainly not.

Q. And when you went there the second night to serve a warrant, was it by your extraordinary skill and almost superhuman perseverance that you got in; was it? A. It might be my dictation to the man who done it.

Q. What! A. It might be under my supervision it was done.

Q. How did you get in that night; did you ring the bell and stand on the stoop as usual? A. The door was opened for me by the officer who was inside.

Q. Now we have it, that while you were wardman of that precinct, detailed on that special duty, you were never able to get into Madam Hermann's house—that you knew she had a disorderly-house—except on two occasions, when a brother officer had got in before you and opened the door for you? A. Yes, sir.

By Chairman Lexow:

Q. Was this brother officer a ward detective? A. No, sir.

Q. Was he in citizen's clothes? A. He had that time; yes, sir; the object was to pick out new men in the department that were not known in the precinct.

Q. Well, if you say, as you have, that the first occasion that you ever saw Matilda Hermann was the occasion when you served the warrant, what was there that prevented you from getting in the house before that time, if you had never seen her; had she seen you? A. Undoubtedly; suppose she saw me passing through the street.

Q. You were in citizen's clothes as a detective? A. Yes.

Q. Were you not? A. Yes, sir; but then—

Q. She would be much more likely to recognize a policeman, wouldn't she? A. He was not in uniform.

Q. I understand, but he had been in uniform? A. Possibly not in that vicinity.

Q. Do you know that as a fact? A. Positively, because he was selected.

Q. Do you mean this committee to understand that it is possible for an ordinary patrolman to discover crime when the ward

detective appointed for that purpose could not do it? A. Yes, sir.

By Senator Bradley:

Q. If you never saw this woman, how did you pick her out as the madam of the house? A. He got the evidence against her, and all I done was simply to execute the warrant.

By Chairman Lexow:

Q. Who was the wardman who pointed her out? A. I do not remember; I will have to refer to the blotter for that.

Mr. Goff.—There is a gentleman here. Will you please step aside there, in behind the reporter there. There is a busy man here, and I want to get rid of the busy man. Mr. Hyde, come here.

Ralph M. Hyde, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. What is your name? A. Ralph M. Hyde.

Q. What is your business? A. I am connected with the house of Tiffany & Co.

Q. In what capacity? A. General oversight of the administration of the house.

Q. Assuming that persons go to Tiffany's to order a watch with a special monogram on it, would such an order come under your knowledge or supervision? A. Not exactly, unless there was something about it to call attention to it.

Q. It is a custom of the house to make record of such special orders or directions? A. It is.

Q. And a book is kept for that purpose? A. It is.

Q. I hand you a book and slip here, and ask you to describe the book and slip, if you please? A. Yes; this is the salesman's book, who made the sale of the watch; and each salesman in our employ has a book with a number which designates his particular book; when I received the subpoena I made inquiries about it, and found that the watch was sold on the 20th of July, on Monday, 1891, for cash; the watch was sold for \$200; the record here is of the sale, and also the number of the watch, which we always record at the same time; we also take the name of the purchaser, so if the watch is lost, we can aid them in recovering the same; this entry reads, "Gold watch, \$200, No. 66511;" the price of the watch, as I have said, was \$200; a locket was credited to the person at the same time



of \$58, leaving a balance of \$142, which was paid; the name of the person was asked, and the name was given of "M. Guy-heueuc, 133 West Third street; that is the record.

Q. Was there any special mark or designation in connection with the watch, that was recorded there? A. I can state now, of course from hearsay, from questioning the salesman, that it is not the same salesman who made the sale, but the head of the department, who has charge of all the marking, no matter who made sale of the watch; the money and watch passes through him, and here is the original ticket.

Q. His original ticket? A. His original ticket.

Q. That he made at that time? A. He made it the next day.

Q. Will you please read us the original ticket? A. The original ticket is dated "July 21, 1891, Joseph Cooney, engraved."

Q. Joseph Cooney? A. "Engraved, J. C.," "a line cipher on gold case, No. 66511, engraved on outside, to be delivered at 5 o'clock. Please be careful with the glass. Clerk No. 41."

Q. When you read the name Joseph Cooney there, does that mean that the name Joseph Cooney was to be engraved on the watch or that it was the person for whom the watch was purchased? A. It was the name of the person leaving the watch; this was the following day; the watch was taken away by the purchaser the first day, as I am told; the next day a man brought the watch in, and he gave the name as Joseph Cooney, to be engraved "J. C.;" that is the meaning of the ticket.

Q. I hand you a little book here; can you —

(Certificate and book were marked Exhibits 1 and 2, October 25, 1894, L. W. H.)

Q. I hand you a little book; have you anything to state regarding the book which I hand you now? A. The object in bringing this was to account for the locket that was credited at the time of the purchase of the watch; I found that that was sold in the name of Cash, on June 22, 1891, for \$58; we credited the same to this party who had purchased the watch; now our custom is, within 30 days after the purchase of an article, if it has not been used, and is in as good condition, we would take it back in exchange for other goods at the price paid, and this person seems to have taken advantage of that rule, in part payment gave us back the locket purchased a few days before; that is the only object in bringing that, so as to make the record complete.

Q. I presume that in the large number of transactions and sales in your house, that the personality or identity of a person purchasing is not kept in mind by the salesman, as a general thing? A. It would be very difficult after three years, I should say, for a cash customer; anyone having a regular account with us, of course, it would be different.

Mr. Goff.—Will you please mark the entry in evidence, on second book, Mr. Stenographer.

(Entry marked "Exhibit 3, October 25, 1894, L. W. H.")

Mr. Goff.—Is Bernard Friend here, or anyone representing him; Friend or Freund, or Frind, or any name answering to that substantially. I want the jeweler from Maideu lane, if I don't pronounce his name correctly; he has been subpoenaed

Chairman Lexow.—Is he in court, Mr. Goff?

Mr. Goff.—No, sir.

Chairman Lexow.—Is this all desired of Mr. Hyde?

Mr. Goff.—That is all, sir. Is Mr. Creshem in court, from Division street? He has been got out of the way.

Chairman Lexow.—Has he been regularly subpoenaed?

Mr. Goff.—Yes, before; but not lately. He was subpoenaed in the first instance, when we expected to have this woman on the stand. Now, Officer Cooney, one or two more questions.

Michael J. Cooney, recalled and further examined by Mr. Goff, testified as follows:

Q. Joseph is your name? A. Michael is my name

Q. And you have a middle name? A. Yes.

Q. What is it? A. Joseph.

Q. Michael Joseph Cooney? A. Yes, sir.

Q. And some of your friends who are intimate with you familiarly call you "Joe?" A. Very seldom.

Q. Well, you have been called "Joe"—"Joe" Cooney, by those who are intimate with you? A. Occasionally; mostly always Michael.

Q. You don't like the name of Michael? A. I have no objection to it.

Q. Haven't you expressed a dislike to being called Michael? A. Never.

Q. Isn't it the fact that you have, and that you have requested your friends to call you "Joe?" A. No, sir; I am proud of it.

Q. Proud of what? A. My name.

Q. Of Michael? A. Yes, sir.

Q. And of Joseph? A. Yes, sir.

Q. But Michael and "Mike" — one is the abbreviation of the other? A. Michael isn't "Mike."

Q. I know that; I think I do. A. I don't pay attention to people who call me "Mike."

Q. Do you know anything about the person who went to Tiffany's and gave the name of Joseph Cooney? A. I don't, sir.

Q. Wholly ignorant of that? A. Yes, sir.

Q. Wholly ignorant about the watch transaction? A. Yes, sir.

Q. You know nothing at all about it? A. No, sir.

Q. Were you wardman at the dates which Mr. Hyde has read from the books? A. I can't say.

By Chairman Lexow:

Q. June, 1891? A. June —; yes, I believe I was.

Q. You were wardman then, in that precinct? A. In that precinct.

By Mr. Goff:

Q. Will you swear now you have never been in Tiffany's? A. Yes, sir.

Q. And still could you swear you were not there? A. Well, I swear I never was in there at that time.

Q. I said "ever"? A. That I would not positively swear, I never was in there; I may have been there with a friend.

Q. Does it embolden you in your testimony, on hearing Mr. Hyde say it would be difficult to identify the person after three years? A. Not in the least.

Q. It has not made any effect upon you? A. Not any.

Q. This testimony Mr. Hyde has given, touching the purchase and engraving of a watch for Joseph Cooney, I suppose has not affected you at all? A. No, sir; because I am not the party.

Q. I am not asking you the because; it does not affect you at all?

Q. Do you know anything about Mrs. Mary Hermann, a relative of Matilda Hermann? A. No, sir; I do not know her to my knowledge.

Q. Did you ever hear of her? A. I may have heard of her; I don't remember her.

Q. You are absolutely innocent of everything connected with Matilda Hermann? A. Yes, sir.

Q. Have you been over in the Fifteenth precinct lately? A. Around Broadway; yes, sir; very often go up and down Broadway on my day off.

Q. Have you been over in the neighborhood or near the station-house in Mercer street, lately? A. No, sir; I can't say I have been there lately.

Q. Well, within two months? A. No, sir; not that I have any knowledge of.

Q. Why do you shake your head for such a long time before you answer me? A. Well, I have got to think; give me a chance to think, won't you.

Q. Is the shaking of your head an evidence of the operation of your mind? A. It may be a habit.

Q. Did you ever indulge in that habit on the stoop of Matilda Hermann's house, when you rang the bell? A. No, sir.

Q. Now, I ask you were you ever there in that precinct station-house within the past two months? A. I don't remember being there.

Q. Will you swear you were not? A. I can't remember.

Q. Does your memory fail you? A. Yes, sir.

Q. It trips you there; will you swear you were not? A. Yes, sir.

Q. You do? A. I will swear I do not remember whether I was or was not.

Q. If you were in the Fifteenth precinct station-house, would it not likely impress itself upon your memory? A. It might.

Q. What would take you there, if you did go there? A. I don't know anything that would take me there; that is the reason I don't know of it.

Q. If you were there it was not on police duty? A. No, sir; it would be only to see the old men.

Q. Have you been there to see some of the old men? A. Not to my knowledge.

Q. Could you have been there without your knowledge? A. Not very well.

Q. You do not walk in your sleep, I presume? A. No; not yet.

Q. Will you swear that you have not been in the Mercer street station-house within a month? A. I don't remember.

Q. Will you swear it, sir? A. No, sir.

Q. Isn't it a fact that you were in the Mercer street station-house within a month? A. No, sir; not within a month.

Q. Couldn't you have been there without your knowledge? A. I do not remember being in the Mercer street station-house.

Q. Could you have been there without your knowledge? A. Not very well.

Q. Will you swear you were not there? A. I don't remember being there.

Q. Do you swear you were not there? A. I don't remember being there.

Q. Will you swear you were not there? A. I don't remember being there.

Q. Do you swear you do not remember now; is that what you answer? A. Now, yes; I do not remember now.

Q. Have you your memory so attuned that you can use it as you please on the stand? A. No, sir.

Q. When you swear that you do not remember now, do you mean to say you do not wish to remember now? A. No, sir.

Q. Will you swear it is absolutely out of your memory whether or no you have been in Mercer street within a month? A. No.

Q. In the Mercer street station-house? A. No, sir; I was not in the station-house; I don't remember being in the station-house.

Q. Did you see Matilda Hermann in the Mercer street station-house within the last six weeks? A. No, sir.

Q. Well, are you clear upon that? A. Positive about that.

Q. How can you be positive about that as long as you are not positive as to whether or no you were in the Mercer street station-house? A. Because I have not seen Matilda Hermann in three years.

Q. How is it you are positive you did not see Matilda Hermann when you are not positive you were not in that station-house? A. I can not say when I was in the Mercer street station-house.

Q. I want you to answer to that? A. I have not seen Matilda Hermann in two years.

Q. I am not asking you that question; will you swear that you have not seen Matilda Hermann in the precinct, in the Mercer street station-house, in six weeks? A. Yes; I swear to that.

Q. Will you swear you were not in the Mercer street station-house in six weeks? A. Yes, sir.

Q. Your memory is being nursed up? A. Yes; gradually.

Q. And it requires a gradual process to have your memory worked up? A. I can not have my mind on everything.

Q. You are having your mind on the question I am asking you? A. Very true.

Q. What has occurred in the last two months that enables you to definitely state that you were not in the Mercer street station-house? A. I can not remember anything that would bring me there.

Q. That is the only reason that you have? A. That is the only reason.

Q. Now, I ask you again, officer, possibly your memory is being sharpened up, if you were to the Grand Central Depot within a month? A. No, sir.

Q. You are clear about that? A. Yes, sir.

Q. Neither inside the depot or on the sidewalk outside? A. I passed by it; yes.

Q. You passed by there? A. Yes, sir; two weeks ago.

Q. On what business? A. Going to the theatre; my night off.

Q. What theatre? A. Went over to see John Drew in the "Bauble Shop," at the Empire Theatre.

Q. Two weeks ago? A. In the neighborhood of two weeks ago.

Q. Did you see Matilda Hermann there? A. No, sir.

Q. You mean to swear here that you have had no knowledge whatever about Matilda Hermann leaving New York? A. Yes, sir.

Q. Did you know that Matilda Hermann had been subpoenaed, when you received the first subpoena? A. I did not.

Q. Don't you know as a matter of fact that a number of police officers were interested in her appearance one way or another? A. I did not.

Q. Were you at all interested? A. No, sir.

Q. You were not interested? A. No, sir.

Q. You are indifferent as to whether she comes here or not? A. Yes.

Q. If Matilda Hermann should come here and state that she kissed you good-bye at the Grand Central Depot when she was leaving New York, would she be swearing to the truth or a falsehood. A. To a falsehood.

Q. If she came here and swore that she bought that watch in Tiffany's, and that you were with her, would she be swearing to the truth or a falsehood? A. A falsehood.

Q. Not a shadow of truth in it? A. No, sir.

Q. Did you ever hear of her keeping a house of ill-fame? A. I don't remember.

Q. Who lived in 133 Third street? A. I don't know

Q. What sort of house was it? A. Its reputation was a disorderly-house.

Q. Who occupied it? A. That I can not say.

Q. How do you know then it was disorderly? A. It was down on the record as a disorderly-house; it had been raided.

Q. Was any name connected with it? A. I suppose it was; I don't remember what it was.

Q. If you remember the house can't you remember the name? A. No, sir.

Q. What record? A. The station-house blotter, I suppose.

Q. Do you know it now; no suppose; do you know it? A. I know that the —

Q. Will you swear that there is on the record of the Mercer street station-house, of the Fifteenth precinct, of 133 Third street having been raided as a disorderly-house; will you swear that? A. Not positively.

Q. Were you ever in 133 Third street? A. I don't remember.

Q. Did you ever ring the bell on the stoop of 133 Third street? A. I don't remember; I may.

Q. Did you ever try your remarkably exceptional detective skill to get evidence against 133 Third street? A. I tried a good many places.

Q. Did you try it on 133 Third street? A. I don't know; I may.

Q. Will you name another house in that precinct that you tried evening after evening by ringing a bell besides 137 and 139? A. There are other houses I tried and succeeded; and there is quite a number I did not succeed with.

Q. And you succeeded by the same method you tried to get into Madam Hermann's house? A. No, sir; there was some I succeeded myself in because I was not known.

Q. Because you were not known? A. Yes.

Q. How was it you were known in Madam Hermann's house? A. From passing the street; I suppose I was pointed out as the wardman of the precinct.

Q. So a wardman, instead of being a detective, is well known to all the disorderly-houses in the precinct? A. Yes, sir.

Q. And he is pointed out as the wardman? A. Yes, sir.

Q. And it is not that they fear him, is it? A. Well, I suppose they do.

Q. Simply he is pointed out to them as a collector for the captain? A. I have no knowledge of that.

Q. Did you ever hear about it? A. No, sir.

Q. Is this the first time? A. I heard about it through the papers; that is all.

Q. And it was through the papers that you got your first knowledge that the wardman was the collector for the captain? A. Yes.

Q. That was the first time? A. Yes.

Q. And you never heard about it before? A. No, sir.

Q. Well, Officer Cooney, I notice a smile playing around your handsome lips; are you smiling at the answer or the simplicity of your appearance here? A. Smiling!

Q. Yes; you are smiling. A. I suppose it is my customary appearance.

Q. When you uttered such an answer as you have to me here, in the presence of the people of New York, that you never heard that a wardman was the collector of the captain until you read it in the newspapers, did you think your word would be accepted as the truth? A. I don't know.

Q. Do you care? A. That is a difference of opinion people have; some may accept it as the truth, and some may not; I am simply stating to the best of my knowledge and belief that I —

Q. I am not asking you for your knowledge and belief; you think you are here now to make these glib answers to me, and you, in your conscience, know they are not true; is not that the fact? A. No, sir.

Q. You mean to say that, right in your conscience, when you answer me on your oath that you never heard the wardman is looked upon as collector for the captain until you read it in the newspapers; you mean to say right in your conscience you are lying? A. Lying?

Q. Yes; lying — l-y-i-n-g. A. No, sir.

By Chairman Lexow:

Q. How do you account for this watch transaction; how do you account for it? A. I have no knowledge of any watch.

Q. Do you know of anybody else in that precinct of that name, Joseph Cooney? A. Not during my time.



By Mr. Goff:

Q. Any other time? A. That I can not say; there are strangers from time to time coming into the precinct, and I can not remember; there may be others there for all I know.

Q. Do you know of any other officers on the force of the name of Joseph Cooney? A. No, sir.

Q. Do you know any officer on the force of the name of Joseph Cooney? A. Only myself, Michael Joseph.

Q. How many times did you go to the theatres while you were wardman in the Fifteenth precinct? A. Every time it fell my night off.

Q. And how frequently did your night off occur? A. Every 20 nights.

Q. And then you went to the theatre? A. Yes, sir.

Q. Did you ever go to the matinee? A. Very seldom.

Q. Did you go? A. During the time I was on the show; yes.

Q. Did you go while you were wardman? A. No, sir.

Q. Are you pretty clear about that? A. Pretty positive.

Q. When you say positive, do you mean to give me that as a conclusive answer of your inability to go to the theatres, to the matinee? A. I have a duty to perform.

Q. Will you answer the question? A. I am pretty positive but I can not say positive.

Q. You are not certain? A. No.

Q. Will you swear you did not go with Madame Hermann? A. Oh, yes, sir.

Q. How many disorderly-houses were in the Fifteenth precinct while you were wardman? A. I can not remember; I never counted them.

Q. One hundred? A. No; I don't think there was that many.

Q. You had your book; you had your little book? A. Yes, sir; I had a memorandum.

Q. You carried it in your inside pocket? A. I had a memorandum-book at that time.

Q. You carried it in your inside pocket? A. I don't know in what pocket I carried it in.

Q. You carried it in your inside pocket, inside or outside? A. Yes, sir.

Q. That was not a police record? A. No; my private memorandum.

Q. What did you keep a private memorandum-book of the houses in the precinct for? A. Because it became my duty to know what was going on.

Q. Why didn't you make a report to the station-house? A. I did.

Q. Will you swear you reported to the station-house every disorderly-house you had any memorandum of? A. Yes, sir; I reported to my captain verbally; I don't know what he done.

Q. What do you mean by verbally? A. I told him I thought such was the case; and then he would instruct—

Q. Where was he when you told him? A. He might be outside the station-house, or might be in his own room.

Q. As soon as you discovered the house was a disorderly-house you would tell the captain? A. If I knew it was a disorderly house I would apply for a warrant immediately.

Q. How many houses did you apply for warrants for disorderly houses when you were wardman there? A. On my own behalf, I think a dozen.

Q. Can you give us the names of any one you applied for? A. No, sir; not now.

Q. Not one; and you say here that you applied for a dozen warrants while you were wardman of that precinct, and you can not give us the name of one person you complained against? A. I don't remember.

Q. Will you swear you ever complained against a keeper of disorderly houses while you were wardman? A. I will.

Q. Who was it? A. I don't know.

Q. Man or woman? A. I can not say without I can see the record.

Q. White or black? A. I don't know, sir.

Q. Street or avenue? A. I don't remember without referring to the records.

Q. What year? A. During the year 1891.

Q. What became of the case? A. I don't remember.

Q. Was there an arrest made? A. Yes, sir.

Q. Did you go to court? A. Yes, sir.

Q. Who was it that you went to court with? A. The prisoner, of course.

Q. Who was the prisoner? A. That I don't remember.

Q. Have you got any recollection about it? A. No, sir.

Q. Your memory fails you again? A. Yes, sir.

By Chairman Lexow:

Q. That was an important branch of your official duty, was it not? A. What, sir?

Q. The detection of these disorderly-houses? A. Yes, sir.

Q. That was an important branch of your official business? A. Yes, sir.

Q. And in fact that was the most important business you had to attend to in your precinct? A. No, sir; I had burglary and larceny cases to attend to and in fact that was my special work.

Q. So far as your general everyday work was concerned, the most important was the detection of these houses, was it? A. Yes, sir.

Q. And will you state to this committee that you can not remember a single house with reference to which you informed and secured a warrant on your own testimony? A. I can not state positively without reference to the records.

By Senator Bradley:

Q. You say you arrested burglars? A. Yes, sir.

Q. How many burglars did you arrest during your detective service? A. I don't know.

Q. Don't you remember the names of all the noted burglars you arrested? A. No, sir.

By Mr. Goff:

Q. Did you ever arrest a burglar? A. Yes, sir.

Q. Of what burglary? A. Breaking into a liquor store on the corner of Mercer and Bleecker streets; I believe, for breaking into a saloon.

Q. What is his name? A. I don't remember his name.

Q. What was the name of the proprietor? A. At that time it was kept by a man of the name of King.

Q. Was that the only burglar you ever arrested and had any connection with? A. No; I arrested a man for larceny of some clothing, from a clothing store between Great Jones and Fourth streets on Broadway.

Q. Give us the name of the proprietor of the liquor store? A. Mr. King used to keep the liquor store.

Q. What is his name—his Christian name? A. I don't remember that name.

Q. What corner was that? A. The northeast corner.

Q. Of what streets? A. Of Mercer and Bleecker streets.

Q. Northeast corner of Mercer and Bleecker; do you swear that there was ever a liquor store on that corner; will you swear it here to-day? A. North—

Q. Don't rumage your memory? A. Give me a chance to think.

Q. Will you swear here there was ever a liquor store while you were in that precinct upon that corner you have stated? A. Yes.

Q. You positively swear to it? A. Yes, sir.

Q. Are you absolutely certain on that? Yes, sir.

Q. And a man of the name of King kept it? A. Yes, sir.

Q. Did you know him personally? A. Yes.

Q. And spoke to him? A. Yes.

Q. How long did he keep there? A. That I don't know.

Q. What year was he there? A. When I first went to the precinct in 1885 or 1884.

Q. How long did he remain there? A. I don't know.

Q. One, two or three years? A. He was there a few years to my knowledge, he may have been more.

Q. I would like, as matter of information, to have you describe to us the four corners of that street? A. On the southwest corner there is a large ten-story building kept by some mercantile house, I don't know what it is; on the northwest corner I believe it is kept by hatters and feathers—flowers and feathers in the upper portion; the southeast and northeast corners are both saloons, they were in my time.

Q. I am speaking about your time? A. Yes, sir.

Q. Did you ever hear of a panel-house existing in that precinct while you were wardman? A. No, sir.

Q. Was there a panel-house existing in that precinct while you were a wardman? A. Not that I know of.

Q. Did you ever hear of one? A. Not that I know of.

Q. Did you ever hear of one? A. No, sir.

Q. Could a panel-house exist there without your knowledge? A. Possibly, yes.

Q. And you wardman? A. Yes sir.

Q. Nevertheless it was your duty to look after these things—special duty; could it exist there? A. Possibly, yes.

Q. Women have been on the stand here and sworn they did exist there during a period of time you have mentioned you

were wardman; did they swear to what was true or false? A. Panel-houses existed?

Q. Yes. A. That I do not know of.

Q. You don't know? A. No, sir.

Q. Were you ever appealed to to make arrests for robberies in panel-houses? A. I did make arrests in the case of a robbery in what I called a bedhouse.

Q. Do you remember ever being appealed to by a gentleman who took you to the house, and you took two hours to go one block to the house where he had been robbed of \$500? A. No, sir; two hours to go one block?

Q. From the station-house? (No answer.)

By Chairman Lexow:

Q. Or about — a long period of time?

By Mr. Goff:

Q. Do you remember? A. No, sir.

Q. Do you remember going to a house for a man who remained in the station-house until you went in; and you looked under the bed? A. I remember going to quite a number.

Q. I ask in this particular case, where you did not make an arrest? A. I don't remember; no, sir.

Q. Your memory fails you on that then; you think if I mentioned the name of the man that went with you, do you think it would revive your feeble memory? A. It might.

Q. Do you remember going to a house 157 Third street where a robbery had been committed? A. There was no such number.

Q. There is no such number? A. No, sir.

Q. Not now? A. Never was.

Q. Do you remember going with a man by the name of Palmer to a house where a robbery had been committed? A. Yes, sir.

Q. Where was that house? A. In Macdougall street, between Bleecker and West Third.

Q. Did you make any arrests? A. I did not; no, sir.

Q. This man went right to the station-house and said he had been robbed of \$500? A. Yes, sir; he made a complaint at the station-house that he had been robbed; I don't remember the amount.

Q. Do you remember how long he was kept in the station-house after he made his complaint? A. I do not.

Q. Do you know how long it took you to go from the station-house to the house in Macdougall street? A. About 10 or 15 minutes, I suppose.

Q. You are not clear about that? A. I should judge from the distance.

Q. Did you make any arrests when you came to Macdougall street? A. No, sir.

Q. So that in the house where this gentleman was robbed in Macdougall street, when you reached Macdougall street, there was nobody there to arrest? A. No, sir.

Q. Did you ever arrest anybody with that robbery? A. I think I did.

Q. What! A. In connection with that robbery?

Q. Yes? A. No.

Q. Was that gentleman in the station-house once, or twice, or half a dozen times? A. He was.

Q. For months after? A. Yes.

Q. And yet all that you, with your remarkable detective skill — you were not able to make an arrest in that house or of any one connected with that house? A. No, sir.

Q. How much of that \$500 was shaken down to you? A. I never got any of it.

Q. Wasn't it to you that the men who were robbed in the precinct in those houses and when the complainant or the wardman particularly, was brought there, that the unfortunate women had to give him 50 per cent. of the proceeds of the robbery? A. Not in my case.

Q. Did you ever hear it? A. No, sir.

Q. That is news to you? A. Yes, recently.

Q. When did you first learn of it? A. Since I read it in the papers.

Q. So innocence again went abroad to read this thing in the paper? A. It is certain people would not come and tell me about it.

Q. A detective, and a ward detective while you were there, you never heard of such practice? A. No, sir.

Q. No one ever made complaint to you about it? A. Complaints that they were robbed?

Q. Do you remember Mr. Palmer threatening to go to headquarters about his robbery? A. No, sir.

Q. Will you swear he did not threaten in your presence to go to headquarters about the robbery? A. No, sir.

Q. Do you remember that Palmer was threatened with being locked up in a cell while he was making his complaint? A. No, sir.

Q. Did such a thing occur in your presence? A. No, sir.

Q. Will you swear he did not? A. Yes, sir.

Q. You are clear of all that occurred? A. Clear of what occurred in my presence; yes.

Q. I am asking you, I am not asking you what occurred out of it; was that house — what number in Macdougall street did you say?

Chairman Lexow.—He has not given the number.

Q. Well, in Macdougall street; I have got the number, officer; I will help your memory; you see your memory is not so poor after all; you remember Macdougall street in connection with that house? A. Yes.

Q. Did you ever make a raid on that disorderly-house where the robbery was committed in Macdougall street? A. No, sir.

Q. Did you ever report it to the station-house as a disorderly house? A. No, sir.

Q. Did you ever go up the stoop and ring the bell in the evening to try and get evidence against that house? A. No, sir.

Q. After the robbery was committed there? A. No, sir; it was not a disorderly-house; it was respectable people there.

Q. And yet you searched the house? A. The basement; the rooms this woman occupied whom Mr. Palmer claimed robbed him.

Q. We will divide the house into basement and upper stories; did you ever try to get into the disorderly part of that house? A. Yes.

Q. After that? A. Yes.

Q. Did you ever go in after that? A. No, sir.

Q. Did you ever get evidence against it? A. No, sir.

Q. Make a complaint against it? A. No, sir.

Q. You had the evidence there on the statement of Mr. Palmer, why didn't you close up that portion of the house? A. It was closed up by the party whom he claimed robbed him; she did not put in an appearance and left, and did not return —

they did come back again, and was tried in the Court of General Sessions on his complaint, and were dismissed. because I was a witness there.

Q. And do you speak now from your knowledge? A. Yes;

Q. What was the person's name that was arrested? A. That I can not remember; it was a colored woman; I do not know what her name was.

Q. Who arrested her? A. Some of the officers in the precinct.

Q. Arrested her for that robbery? A. Yes, sir; pointed out to them by Mr. Palmer.

Q. Not in the house? A. On the street.

Q. Not in your precinct? A. That I don't remember where it was.

Q. Don't you know it was across Sixth avenue? A. I don't know, because I was away at the time.

Q. You don't know anything about it? A. When I came back I heard all about it.

Q. You don't know about the arrest? A. Only from what knowledge I received from them.

By Chairman Lexow:

Q. Is Palmer a white man? A. Yes.

Mr. Goff.—We will ask to suspend here, Mr. Chairman, until a quarter past 2 o'clock, if you please.

Chairman Lexow.—Do you desire to put any further questions to this witness?

Mr. Goff.—I will, later.

Chairman Lexow.—This witness is to appear again this afternoon?

Mr. Goff.—Yes, sir.

Chairman Lexow.—And to consider himself under subpoena?

Mr. Goff.—Yes.

Q. You understand that, witness?

The Witness.—Yes, sir.

Chairman Lexow.—All witnesses under subpoena for this morning will attend again at quarter after 2 o'clock this afternoon. The committee stands adjourned until that time.



## AFTERNOON SESSION.

October 25, 1894.

Present.—The Senators as before.

John C. Sheehan was called to the stand:

Senator Cantor.—Before the witness is sworn, Mr. Goff, I wish to say that I understand Commissioner Sheehan is perfectly willing to be examined, and whenever his presence has been required here he has been in the courtroom. Just now he is a member of the police board of the city of New York, and that board is charged with the responsibility of providing the election machinery of this city. There are four members of the board. Not only must all petitions be passed upon by the board, but there is a multitude of detail work which makes it imperative that the commissioner shall be present every day and almost every hour of the day from now until election; and I submit that, under the circumstances, it is hardly fair to the public interests of the kind I have suggested to call the police commissioner at this time. Of course, I have not talked to the commissioner or anybody else upon the subject, except the little informal talk which took place between yourself and the committee here. It seems to me that under the circumstances the public interests would require that he be allowed to attend to the performance of his duties at headquarters.

Mr. Goff.—Proceed with the oath, Mr. Chairman.

Senator Cantor.—I understand then that the protest I have made is overruled.

Chairman Lexow.—Nothing has been overruled yet. The commissioner has not been sworn yet.

Senator Cantor.—I protest against his being sworn now.

Chairman Lexow.—You may make the protest after he has been sworn.

Witness John C. Sheehan was duly sworn by the chairman, he being called on behalf of the State:

Mr. Goff.—Mr. Chairman and Senators, it is just to Commissioner Sheehan to say that he has (of course, as he has a right to be) been at all times ready to respond to the call of this committee for examination. It has become a matter of imperative duty for the police commissioners to be examined in view of the testimony which has taken place

before this committee in the preceding months. The commissioner came down yesterday and communicated to me the fact that the rush of business at headquarters touching the filing of certificates of nomination by the various parties necessitated his presence there. I excused the commissioner, understanding from him then that yesterday afternoon was the last day for such filing, until this morning. It appears that some misunderstanding may have arisen in the commissioner's mind as to the time of his excuse. So that I sent for him, and he is here. He now tells me that they are engaged at headquarters in that public business. I have consulted with you gentlemen upon this subject and I simply express now what your sentiments are and they accord with my own; First, that the necessity of Mr. Sheehan's examination is imperative and must be had; Secondly, that notwithstanding the duty that rests upon the committee and counsel they are nevertheless disinclined to take action that would appear to in any way interfere with the conduct of public business at this particular time at police headquarters; and after consultation with you gentlemen I desire now that for this afternoon, as the commissioner has told me that the police board has taken a recess and are going into session again upon this business this afternoon, that the commissioner who has now been sworn, be excused again this afternoon so that he may attend to his public duties; and to-morrow morning, so that there will be no misunderstanding or misapprehension now, the commissioner will appear here for examination, and his examination will then be entered upon and continued until the close.

Senator Cantor.—Mr. Goff, of course, there has not been any serious difference between any of the members of the committee and yourself about the proceedings.

Mr. Goff.—There has not.

Senator Cantor.—And at the same time the proceedings have been conducted by you in your own way, and no exception has been taken on the part of the committee. Mr. Sheehan has been here on and off for a long while. He is ready to be examined, but at the same time I would suggest that inasmuch as the public mind has been excited for so long a time one week more, until after election, could hardly affect the condition of things within the city. The commissioner has a number of very important duties to perform in connection with his department.

He has all the ballots to get out—I don't know how many—and all the various details necessary to put this machinery in operation. I therefore submit, out of fairness to the interests of the public, that his examination ought to go over until after election at least.

Chairman Lexow.—The committee have decided that.

Senator Cantor.—A majority of the committee have decided against me.

Chairman Lexow.—Commissioner Sheehan's testimony will be taken to-morrow. I would like to ask the commissioner a question or two before he is excused.

Examination by Chairman Lexow:

Q. Is it necessary that you should attend the meeting of the police board this afternoon? A. Absolutely so.

Q. It is so? A. Yes, sir.

Q. You understand that the duties there devolving upon the board can not be effectually carried on unless you are present? A. That is my understanding.

Q. And as a public servant you, therefore, ask to be excused this afternoon, on that ground? A. I am not asking for it at all; if I am required to be here to-morrow morning, I would prefer to go now, because to-morrow morning is even more important than to-day; to-morrow is the last day for the filing of declarations of independent nominations; they must be acted upon to-morrow, and if I am to come here to-morrow morning I would prefer to remain on the stand.

By Senator Bradley:

Q. Does not the time for the filing of declarations of independent nominations occur at 12 o'clock to-night? A. On the night of the 27th.

By Chairman Lexow:

Q. If any question should arise in the police court, would it not be possible for them to notify you, and we take a recess then, and then you might attend the board meeting and conduct your business in that way? A. The board is in continuous session; there are seven or eight million ballots to be prepared,

and the least little mistake might destroy the entire election machinery of this county.

Senator O'Connor.—The committee are willing to testify that you have at all times attended here when notified and been ready to be examined, and have thus shown the consciousness of rectitude anyway. Now, the public, entirely apart from the committee, are interested in this question as much as you are. We do not want to labor under the imputation that we have laid a groundwork here in the shape of an indictment from which the public are asked to infer all sorts of things against the commissioners, and then take an advantage of that inference. After election has been held a subsequent examination might show that the inference was not well founded. I say it is due to the public, apart from what is due to you as an individual, because it is a consideration that may enter into the decision of public questions at the next election.

Senator Cantor.—It is done to affect the election, is it?

Senator O'Connor.—Not at all.

Chairman Lexow.—It seems to me, Mr. Goff, that if the commissioner is ready to go on, we had better do so.

Witness.—I say that if I am going on to-morrow morning I might as well stay on now. As I say, we have a meeting this afternoon, and we will have another one to-morrow. If I am to come to-morrow, my absence from the board will be just as important as my absence this afternoon. Of course, if that is the position taken by this committee, I am ready to go ahead.

Chairman Lexow.—It would seem to me, Mr. Goff, that if we notify the police board that in case the services of the commissioner were necessary a telephone message may be sent here and the commissioner excused during those times, that the public service can not be interfered with under those circumstances.

Senator Cantor.—Do you not think that those matters there require consultation and conference? It seems to me, Mr. Chairman, that, under the circumstances, since the public have waited all this time, that one week more will not work any serious harm to the public interests. I infer from what Senator O'Connor has said that it is done to affect the campaign. Of course, that is an imputation which I know ought not to be placed upon the counsel for the committee, nor do I think it is shared in by the members of the committee. At the same time that is the logical inference from the statement which the Sena-

tor has made. If there is going to be a Republican partisan board left at police headquarters, and this commissioner sent backward and forward, it seems to me it will interfere very materially with the force of this investigation. I submit that inasmuch as the commissioner has shown his willingness to be examined, that public anxiety can be deferred for one week, until after election, and then no one can be charged, not even Senator O'Connor, with examining any witness in order to affect the result of the ballot-box. )

Senator O'Connor.—Of course, I am not responsible for any construction that Senator Cantor sees fit to put upon my statement. It has no such legitimate construction. I say it is due to the public, regardless of politics or anything else, that they know how much or how little the various commissioners of the police board are responsible for the condition of affairs that exist in the city of New York. Your whole city is excited from one end to the other, and this is the great issue they are called to pass upon, entirely independent of politics. I say they are entitled to it; they are entitled to know.

Chairman Lexow.—It seems to me that the question narrows itself down to this. We will have to decide either to not examine Police Commissioner Sheehan until after next week or during the course of next week, or continue the examination now. Inasmuch as the commissioner says that he would go on now if we are going to examine him to-morrow, and the committee has already determined that he should be examined to-morrow, it leaves us no loophole; it seems to me that we must examine him now, and I suggest that we proceed.

Senator Cantor.—I desire to have the record show that I dissent from the examination of the commissioner at this time.

#### Examination by Mr. Goff:

Q. By the way, commissioner, where is the station-house of the Twelfth precinct? A. It is over on the east side.

Q. Where is it? A. I can give you the exact location of it in a moment.

Q. Well, can you not give it to us without referring to a record? A. Well, I prefer to be correct.

Q. Wait awhile, commissioner? A. I am not going to look at anything; I am getting my papers in order.

Q. I have asked you as the fountain of knowledge in the police department, where the station-house of a precinct is? A. Corner of Delancey and Attorney streets.

Q. Corner of Delancey and Attorney streets? A. I think it is in that neighborhood; I think that is the location of it.

Q. You think; where is the station-house of the Sixteenth precinct? A. That is on West Twentieth street.

Q. West Twentieth street runs from Fifth avenue to the river? A. Well, it is between Seventh and Eighth avenues.

Q. Between Seventh and Eighth avenues? A. Yes, sir.

Q. I ask you again to please—

Chairman Lexow.—Do not refresh your recollection, Mr. Commissioner, by looking at any documents.

Q. Mr. Sheehan, you are a lawyer? A. Yes, sir; I am a lawyer.

Q. You know the rule of evidence that when a witness is asked not to look at a memorandum in writing that he should not look at it? A. I have not looked at it to refresh my memory on any question you have asked me.

Q. You were very quick in turning over the leaves after I asked you not to look at it; I ask you as a commissioner of police for a question of information to help us in our duties here, where a certain station-house or precinct is—the station-house of a certain precinct? A. Yes, sir; I tell you the Sixteenth precinct station-house is on West Twentieth street, between Seventh and Eighth avenues.

Q. What precinct is the station-house in Leonard street; what precinct is that? A. Whereabouts in Leonard street?

Q. Is there a station-house in Leonard street? A. Yes, sir; it is known as the Fifth precinct.

Q. Can you tell us where the Twelfth precinct is? A. The Twelfth precinct is over on Delancey street, on the east side.

Q. Don't you know the east side is quite a large territory in New York? A. I said on Delancey street, corner of Attorney, to the best of my belief at this time.

Q. Then we take it that you as a police commissioner do not know precisely the location of a station-house of a certain precinct? A. I know the location of every station-house in New York.

Q. How many precincts center at Bowery and Houston street? A. Bowery and Houston?

Q. Yes? A. The Tenth precinct; it doesn't center there; it runs up there; the Fifteenth runs over to the Bowery, and I believe the Fourteenth; I cannot fix any others at this time; those are three that I can locate, I think.

Q. Well, commissioner, have you visited every station-house building of the police department in this city? A. All but the Thirtieth precinct, I believe.

Q. Where is that? A. That is up at One Hundredth street; no, it is Captain Meekim's precinct; that is up on One Hundred and Twenty-fourth street, I believe.

Q. What? A. One Hundred and Twenty-fourth street, I said.

Q. You said One Hundredth street? A. One Hundredth street is the Twenty-sixth precinct.

Q. Is that Captain Meekim's? A. No, sir.

Q. Who is the commander of the One Hundredth station? A. I think it is Captain Murphy.

Q. Do all these things require thought on your part? A.. Yes, sir,

Q. And you a police commissioner? A. Yes, sir; there are 3,400 members of the police force, and there are a great many captains and sergeants.

Q. But there are only 35 captains? A. Yes.

Q. Does it require thought and reflection on your part, you a police commissioner of the city of New York, before you can answer where a station-house is, or who the commander of that station-house is? A. It does in order to be correct.

Q. How long have you been in New York? A. About eight years.

Q. How long have you been commissioner? A. About two years.

Q. Do you wish us to understand that it takes more than two years for a commissioner to familiarize himself with the location of every station-house in New York? A. I know the location of every station-house in New York.

Q. When you said Captain Meekim was in the One Hundredth street you evidently didn't know the location? A. I said Captain Meekim was in the Thirtieth precinct.

Q. You said first One Hundredth street? A. Well, I was not sure of the location of the station-house at that time without giving it some thought.

Q. You are not sure of the location of one-half of the station-

houses in New York, are you? A. I am sure of the location of every station-house in New York.

Q. Of course you know where headquarters is in Mulberry street? A. I believe I do, Mr. Goff.

Q. And you know where the station-house is that you have just mentioned in One Hundred and Twenty-fourth street? A. I know where every station is; I can not tell offhand just where the station-house is located, but I can go direct to it.

Q. Will you tell us between what avenues the station-house in Twenty-fourth street is? A. Well, the Thirteenth precinct is —

Q. I am not asking you that; I am asking between what avenues the station in One Hundred and Twenty-fourth street is? A. I say that the Thirteenth precinct is east of Eighth avenue.

Q. I am asking between what avenues is the station-house in One Hundred and Twenty-fourth street that you have spoken of? A. I want you to understand that I am not positive of just the location or just the street; the Thirtieth precinct station-house is on —

Q. Excuse me; will you please tell me between what avenues the station in One Hundred and Twenty-fourth street is? A. The Thirtieth precinct —

Q. Will you please tell me between what avenues the station in One Hundred and Twenty-fourth street is? That is the seventh time I have asked that question? A. Between what avenues?

Q. That is what I said? A. I told you that the Thirtieth precinct —

Q. Can you tell me — A. Now I am answering your question in my way, but you will not take the answer from me.

Q. You stated that there was a station-house in One Hundred and Twenty-fourth street; I asked you between what avenues is that station-house in One Hundred and Twenty-fourth street; that is a plain question? A. I said afterward that I was not positive it was on One Hundred and Twenty-fourth street.

Q. Were you mistaken when you said it? A. I think the Thirtieth precinct station-house is on One Hundred and Twenty-sixth street, west of Eighth avenue.

Q. There are four or five avenues west of Eighth avenue? A. This is just west of Eighth avenue.

Q. Well, west within what distance? A. Well, I am not going to say within what distance.



Q. Is it between Eighth avenue and the next avenue west of it in One Hundred and Twenty-fourth street? A. I think it is, but I am not sure.

Q. Do you know what avenue is west of Eighth avenue in One Hundred and Twenty-fourth street? A. I think it is St. Nicholas.

Q. Is it between Eighth and St. Nicholas avenues? A. It is close to it.

Q. Is it in that neighborhood on One Hundred and Twenty-sixth street? A. I said One Hundred and Twenty-sixth street, west of Eighth avenue; but I don't know how far it is.

Q. Which is it now, One Hundred and Twenty-fourth or One Hundred and Twenty-sixth street? A. I am almost certain the Thirtieth precinct is on One Hundred and Twenty-sixth street.

Q. You have taken a sly look at that paper in your hand? A. Yes; I had that paper here.

Q. Until you took a sly look at that paper you didn't really know where the Thirtieth precinct station was? A. I could go to it without any hesitation, but I couldn't tell offhand the number of every station-house.

Q. Now we have it that it is One Hundred and Twenty-sixth street; are you right now? A. I believe I am.

Q. I want now, commissioner, where the station-house is; I have not had the opportunities for knowledge that you have had; now will you say One Hundred and Twenty-sixth street, between what avenues? A. It is west of Eighth avenue.

Q. On which side of the street? A. It is on the south side of the street.

Q. On One Hundred and Twenty-sixth street? A. Yes, sir.

Q. Now, you are wrong again? A. I may be.

Q. There is no station in West One Hundred and Twenty-sixth street? A. Well, I may be wrong; but I don't think it.

Q. Yes; I think you are. A. I won't admit I am wrong; I insist there is a station-house in One Hundred and Twenty-sixth street.

Q. You do? A. Yes, sir.

Q. I direct your attention to the Thirtieth precinct on the official list from police headquarters of the police department; will you read where that station is? A. West One Hundred and Twenty-fifth street.

Q. West One Hundred and Twenty-fifth street? A. Yes.

Q. So you were wrong twice? A. Well, I was wrong in that; I am satisfied; I knew it was right in that neighborhood.

Q. Now, are you sure there is any station-house in One Hundred and Twenty-eighth street? A. I think there is one up there on the east side.

Q. And that is what your eye caught on that paper? A. I haven't looked at this paper.

Q. Well, you have turned it over frequently enough. A. Yes; I have turned it over a number of times; I want to be correct in my answers.

Q. Is it necessary for a police commissioner, who has been two years at the head of the department, to come here with a prepared statement showing the location of the precincts in this city; is that necessary? A. I carry this around for information always.

Q. Is it necessary? A. No; it is not necessary.

Q. But you find you are not able to get along without it? A. I can get along without this, but I always carry this around in my pocket.

Q. You have been carrying it since you have been a commissioner? A. I had one list prepared when I was first made a commissioner.

Q. And with all the familiar acquaintances you have had and the visitations you have made you are not able to say where certain station-houses are located? A. I can say where every station is.

Q. Does your mind get mixed up at all between the streets of this city and the streets of Buffalo, commissioner? A. No, sir.

Q. We have spoken of Buffalo; when did you leave Buffalo? A. I think it was about eight years ago.

Q. You arrived in New York directly? A. Yes.

Q. Took up your residence, your home here? A. I lived in New York off and on for a year or two prior to that time.

Q. Before you took up a permanent residence? A. Prior to my taking up a permanent home; yes, sir.

Q. When were you admitted to the bar? A. I think I was admitted to the bar in 1876.

Q. How shortly after your arrival in New York were you appointed to a public position? A. Oh, I lived in New York,

off and on, for two years before I was appointed to a permanent position.

Q. I asked you how shortly after your arrival you took up your permanent residence? A. A short time afterward.

Q. You were, of course, assured of a public position before you came to New York to take up your permanent residence? A. I was not.

Q. Had you any knowledge that you were going to be appointed to a public position before you came here? A. No, sir.

Q. Can you give us the time of your arrival, commissioner? A. No; I can not.

Q. In New York? A. I can not give it.

Q. As nearly as you can recollect? A. Well, as I said, I was here a year or more prior to that time.

Q. I am asking you for the time that you came here to take up your permanent residence.

By Chairman Lexow:

Q. What year was it? A. In 1886 I came here permanently.

By Mr. Goff:

Q. Do you remember what time of the year 1886 you came here? A. I am not sure, but I think it was in July.

Q. When were you appointed to a position in the aqueduct board? A. I was appointed in August.

Q. You came here to New York in July and you were appointed in the following August, next month? A. Yes, sir.

Q. To a position? A. Yes, sir.

Q. Now, of course, it goes without saying that you didn't depend upon your local influence or knowledge here in New York to obtain that position? A. I had a great many friends in New York at that time, including men who are now your friends; such as Judge Powers, Mr. Costigan and others.

Q. I am glad to hear it; they must be good fellows if they are our mutual friends? A. Good fellows.

Q. Was it through these gentlemen that you obtained that position? A. No it was not; but I know they were very glad that I did obtain it.

Q. I haven't any doubt about it at all; the point is, you came

here to New York practically assured that you were going to fill a public position here, did you not? A. I had hopes that I would get a position.

Q. That is the truth of it? A. I will not tell you anything but the truth if I can get it out.

Q. I do not anticipate that you will do anything else; what position did you fill? A. I was appointed secretary to the aqueduct commission.

Q. What was your salary? A. I think it was \$4,000 a year.

Q. You think? A. I believe it was.

Q. Is it such a thing that you have to believe? A. I do believe; yes, sir.

Q. Is it a fact? A. I believe it is a fact; yes, sir.

Q. Have you any doubt about it? A. I have no doubt about it.

Q. Then it is a fact? A. I presume it is.

Q. But you know it is a fact; not what you think? A. I know the salary was \$4,000 a year.

Mr. Goff.—Then there is no necessity for believing or thinking about it.

Chairman Lexow.—But, commissioner, don't you see that the evidence will be much more rapidly taken if you will answer yes or no to such questions as that.

Witness.—But I am answering.

Chairman Lexow.—It takes five minutes that way to get out a fact that you could have answered immediately.

Senator O'Connor.—Mr. Goff will take notice of the fact that lawyers always make poor witnesses.

Mr. Goff.—Well, lawyers who are in active practice of the law generally do make poor witnesses; but lawyers who have retired from the active practice of the law generally get as smart as anybody else on the witness-stand.

By Mr. Goff:

Q. Now, Mr. Commissioner, in putting my questions to you, I comprehend that you are prepared to meet any and all questions that I put to you? A. I am going to answer them as truthfully as I know how.

Q. You have nothing to conceal, and nothing to object to? A. No, sir.

Q. You are a public officer in this city? A. I expect fair treatment and expect to answer every question put to me.

Q. And you have nothing to conceal and nothing to put back? A. No, sir.

Q. Now, commissioner, were you a married man when you came to New York? A. No, sir.

Q. I am not asking this question with any purpose or any design to inquire into your very private affairs; it is simply to fix time? A. Yes, sir.

Q. Where did you reside when you first came to New York? A. At the St. Clair House.

Q. How long did you remain at the St. Clair House? A. I lived there for a year or two prior to coming here; and for, I presume, a year afterward.

Q. Where did you take up your quarters, after the St. Clair House? A. I lived on West Twenty-third street.

Q. You took furnished rooms there? A. No; I lived in a boarding-house.

Q. Who kept that boarding-house? A. I don't recall the name now.

Q. Was that on the northwest corner? A. Northwest corner of what?

Q. Twenty-third street and Ninth avenue? A. No, sir; it was on Twenty-third street near Eighth avenue.

Q. One of those houses a little removed from the street there? A. Yes sir.

Q. Called the Chelsea terrace, do you remember that? A. No, it was below that; it was west of Eighth avenue on Twenty-third street.

Q. Those houses that I speak of, those houses that belong to the Jay Gould Estate, was it one of those? A. No, it was across the street from one of those houses.

Q. By the way, commissioner, you have been attorney for that estate? A. No, sir.

Q. Never? A. Never; what estate do you mean?

Q. The Gould Estate? A. No, sir.

Q. Or any property belonging to the individuals of that family? A. Of the Gould family?

Q. Yes? A. No, sir.

Q. Did you ever act as such? A. As attorney for the Gould property, never.

Q. For any property? A. Belonging to the Gould Estate?

Q. Yes? A. Never.

Q. Did you ever act as such? A. Not that I know of now.

Q. Do you think that if you had acted as such it would have escaped your memory? A. I am pretty sure it would not; I say I never acted as such.

Q. To your knowledge? A. To my knowledge.

Q. Did you ever say that you represented the Gould Estate in reference to their property in West Twenty-third street? A. I never said any such thing.

Q. You never said any such thing? A. No, sir.

Q. Do you know attorneys by the name of Kelly & McCrae in this city? A. Kelly & McCrea?

Q. Yes; they are a well-known law firm? A. I know of them.

Q. Did you ever have any conversation with them? A. I may have.

Q. Did you ever have any conversation with them touching any of the Gould property in West Twenty-third street? A. No, sir.

Q. You are clear about that? A. I am clear about that.

Q. Did you ever have any conversation with or visit from either of the members of that firm in relation to the leasing of the Grand Opera House for the use of the Eighth District Court? A. I believe I did, yes, sir.

Q. And you know the Grand Opera House belonged to the Gould family? A. Yes, sir.

Q. So that you had some little thing to do, had you — A. With what?

Q. With the leasing of the opera house for court purposes? A. Not the slightest in the world.

Q. Did you say that you ever had? A. No, sir; this gentleman, Kelly, as I recollect, came to me and wanted me to use my influence to have something done with reference to securing a lease of that opera house.

Q. What did you tell him? A. I don't recollect what I did tell him.

Q. Did you say anything to him whether you would use your influence or not? A. I don't know.

Q. What influence did he want you to use? A. That I can not say.

Q. What did you understand? A. All I recall of that is, that this gentleman came to me and spoke to me about having me

use my influence in some way, for or against having me secure a lease of that opera house; I don't know what it was for.

Q. You were a police commissioner at the time? A. I believe I was.

Q. It was only last May a year ago? A. Well, I was a commissioner then.

Q. In fact, this year; not a year ago? A. It is not a great while ago.

Q. It was this year, 1894? A. Yes.

Q. You know that there was a great deal of what is commonly called backing and filling about the removal of that courthouse, from Seventh avenue and Twenty-second street over to the Grand Opera House? A. Let me refresh my memory; I think this gentleman called to see me about a place at Seventh avenue and Twenty-second street.

Q. That is where the court was? A. Yes, sir.

Q. And he called to see you to endeavor — A. Now, I remember distinctly; he wanted me to use my influence to keep that court where it was, I believe.

Q. It was your influence he sought in some direction? A. I told him I could do nothing for him.

Q. When he asked you for your influence to keep the court in its then present location, didn't you tell him that the lease was signed to remove it to the Grand Opera House? A. I did.

Q. You did? A. Yes, sir; I recall that distinctly.

Q. Didn't you tell him that you couldn't use your influence because you were on the other side? A. I may have, but I told him the reason I knew the lease was signed; that I had met Judge Steiner that morning on Twenty-third street on my way to my office, and that he showed me the lease of the Grand Opera House.

Q. You say you may have told him that you were on the other side; you must have had some reason for telling him that? A. I may have told him; I think I did; that I preferred the Grand Opera House to the old courthouse.

Q. You must have had some reason for telling him that? A. I probably had.

Q. What was the reason? A. Because the Twenty-third Street Grand Opera House was a better location than the old courthouse.

Q. What did you mean by being on the other side — the other

side of what? A. I meant that I preferred the Grand Opera House to the old courthouse, and that is what I told him.

Q. Didn't you say that you had been, as an attorney, negotiating the lease? A. No, sir; I didn't.

Q. Will you swear you didn't? A. I swear I didn't.

Q. Will you swear that you didn't tell that gentleman, the member of a reputable law firm in this city, that you, as an attorney, were on the other side? A. I did not.

Q. You swear to that? A. I swear to it; I knew nothing about it whatever.

Q. What! A. I knew nothing about the subject, except I know that Judge Steiner met me on the street and showed me the lease, and I think it was that same afternoon that this gentleman called.

By Chairman Lexow:

Q. The question is, did you say that you were on the other side as attorney? A. No, sir; I did not; I was not on the other side as attorney; I had nothing to do with it.

Q. That is not the question; the question is whether you said that? A. No, sir; I didn't.

By Mr. Goff:

Q. Did you say anything in substance like it? A. I don't know what he might have inferred from what I said.

Q. I ask you what he said, not what he inferred? A. I don't believe I did.

Q. Have you any doubts in your recollection? A. I don't see how I could say such a thing.

Q. I am not asking you how you could, but did you say it? A. I did not.

Q. You are clear about that? A. I am very clear.

Q. There is no defect in your memory? A. Not on that point.

Q. Or that you didn't take an interest in negotiating that lease? A. No; I had nothing to do with it at all.

Q. Will you swear that you didn't take an interest in negotiating the lease? A. I swear positively.

Q. Did you know that the lease was to be negotiated before it was signed? A. I did not; I remember Judge Steiner saying to me that he was going to try and get that court removed from where it was to the Grand Opera House; I know that.



Q. That is all you know about it? A. That is all.

Q. That is all? A. That is all.

Q. And you swear here that you had no hand, act or part with any person, directly or indirectly, toward negotiating that lease? A. Well, I talked with a number of persons about it, but with no persons who had anything to do with the building.

Q. Well, you were very anxious to have the court removed there, were you? A. Not so very anxious.

Q. When this man asked you for your influence, what influence did he seek from you? A. Well, I don't know.

Q. What did you understand? A. I understood that he wanted me to help retain the old courthouse where it was.

Q. You were a police commissioner? A. He came to me as a lawyer.

Q. What had you to do as a lawyer if you were not interested in it as an attorney for some person? A. He wanted to retain me to assist him in retaining the old courthouse where it was.

Q. And you told him you were retained by the other side? A. No, sir; I told him I was opposed to it.

Q. Didn't you say you couldn't do it? A. Yes, sir.

Q. And that the reason you couldn't do it was that you were on the other side? A. I certainly was in favor of the changing of that courthouse.

Q. I am not asking your private opinion; I am asking the reason that you gave him that you could not take a retainer from him; was it because you were on the other side; did you say that? A. I might have said that.

Q. Now, being on the other side didn't mean as an attorney? A. I told the gentleman frankly that I was in favor of a change of the court; and that I knew a lease had been executed for it because I had seen it; what more could I say to him.

Q. I am getting at your influence; what influence did this gentleman seek to buy from you by a retainer? A. I don't know; you will have to find out from him.

Q. Why didn't you ask him? A. I had no occasion to ask him.

Q. Didn't it strike you as peculiar, you occupying a very high position here in the city of New York, to be approached by a lawyer to buy your influence in regard to the leasing of a certain building for a courthouse? A. He didn't say that he wanted my influence; I don't recall just what he said; he came to me and said that he was interested in that property; that

he was the attorney for it, and he would like to retain me to help him in the matter.

Q. You have stated that he came to retain you? A. I suppose so; or my aid, in whatever way he wanted to use it.

By Chairman Lexow:

Q. The man came to you as an attorney; were you a practising attorney at that time? A. Yes, sir.

By Senator Cantor:

Q. Member of a law firm? A. Yes; the law firm of Browne & Sheehan.

By Mr. Goff:

Q. Your partner is counsel to the board of excise in this city? A. Yes, sir; ex-Judge Edward Browne.

Q. You formed that partnership with him after you were appointed a police commissioner? A. No, sir; we commenced negotiating before I was appointed.

Q. The negotiations were not completed until you were appointed? A. I believe they were.

Q. Will you swear that you actually went into a law partnership with ex-Judge Browne before you took the oath of office as a police commissioner? A. I will swear that Judge Browne and myself agreed to go into partnership.

Q. No; will you swear; it is a fair question and requires a fair answer? A. I am going to tell you the whole story.

Q. I don't want that yet; I ask for the fact; is it a fact? A. What is the question?

Q. That you were in partnership, in the practice of the law, with ex-Judge Browne, before you were sworn in as a police commissioner? A. The partnership was formed before I was made a commissioner.

Q. Were there articles formed? A. No, sir.

Q. Are there articles in existence to-day? A. I am not sure of it; there may be.

Q. Did your name ever appear upon a door or on a printed card, or on a letter-head, as a member of the firm of Browne & Sheehan; or Sheehan & Browne, before you were a police commissioner? A. I believe not; I will tell you the reason why. Judge Browne came to me; he was then down town, somewhere in the Mutual Life Building, and he said he was looking for an office up town in a better location, and that he thought that

he had located a very nice place; he came back in a day or two after and reported that he had secured it, corner Warren and Broadway; and I think it was some time in March that we moved into that office.

Q. But it is a fact, commissioner, that you, as a police commissioner, with the counsel to the excise board, saw your way to form a profitable copartnership in the practice of the law in this city? A. We formed a copartnership; yes, sir.

Q. Have you had any cases before the excise board? A. No, sir.

Q. Your firm? A. No, sir.

Q. Or before the police board? A. No, sir.

Q. You exclude all those cases from your practice? A. Yes, sir.

Q. Have you ever appeared in a court of record since you formed that partnership? A. No, sir.

Q. Have you ever tried a case in court since you formed that partnership? A. No, sir; all my duties were taken up almost as police commissioner.

Q. Did you ever try a case before any court? A. Yes, sir.

Q. In New York? A. No; not in New York.

Q. How many days a week are you at police headquarters? A. Every day.

Q. For how many hours? A. Most all day long.

Q. That is, during office hours, from say 9 in the morning until 4 or 5 in the evening? A. Yes, sir.

Q. What time do you devote to your law practice as a member of the firm of Brown & Sheehan? A. As a rule I go to my office in the morning the first thing, stop there until 10 o'clock or a little later; then go to police headquarters and stay until 3 or 4 o'clock as the business requires, and then go down town to my law office again.

Q. I suppose the great bulk of your law practice is in consultation? A. There is considerable of that.

Q. I suppose your law practice has been prolific of good results to yourself and your partner? A. It has been very fair.

Q. Have you earned a good deal of money? A. I wouldn't say it was a good deal.

Q. You have no objection, of course, in telling us about the average income from your law practice? A. Not the slightest.

Q. What is the average income? A. I think our receipts run

from—I believe I have drawn out in the neighborhood of nine or ten thousand dollars out of the firm.

Q. Since your practice? A. Yes, sir.

By Senator O'Connor:

Q. A year? A. During the whole time.

By Mr. Goff:

Q. Altogether? A. Probably about \$5,000 a year; I want you to understand, Mr. Goff, that I say during the time I have been in the firm I think I have drawn out some \$9,000, probably \$10,000.

Q. That is two years? A. Yes, sir.

Q. About \$4,000 to \$5,000 a year? A. Yes, sir.

Q. Of course we all know that lawyers are poor accountants and poor bookkeepers; we have it that you, a lawyer but comparatively a few years in New York, who has never tried a case in our courts, have been enabled to draw from a law firm, and only to attend to that law firm an hour or two in the morning and an hour or two in the evening, about \$5,000 a year? A. That is the case, Mr. Goff; but remember that we have a managing clerk and three other clerks in addition.

Mr. Goff.—I envy you. I wish I had the same story to tell.

Senator O'Connor.—Very often the lawyers who do the least work earn the most money.

Mr. Goff.—That is true, Senator. To my sorrow I have found it out.

Q. What is the bulk of your practice, what branch of the law?

A. A great deal of it is office practice.

Q. What? A. Office practice, consultations.

Q. In the direction of law or of equity? A. Both; we have any number of cases in our office now.

Q. Who attends to the law business of your firm now that your partner is in Europe? A. The managing clerk is there all the time, and two or three other clerks.

Q. With your multifarious duties as a police commissioner you can not give much time to your law practice? A. Sometimes I don't go to the office in two or three days, now.

Q. But your income goes on greater and greater? A. It has not been very great for the last year.

Q. It has fallen off? A. Our practice is just as big, but the money has not come in.

Q. Have you any other business A. Yes.

Q. What business have you got? A. I am connected with a contracting company.

Q. What is the name of that company? A. John C. Sheehan & Co.

Q. Who forms the company? A. John O'Brien and myself.

Q. Are you interested in any other contracting concerns? A. No, sir.

Q. That is only one firm you are interested in? A. I am interested in no firm, except as I say where myself and Mr. O'Brien are interested.

Q. That is the only firm of contractors? A. Yes, sir.

Q. Are you interested in any other business? A. No.

Q. We have it your police commissionership, your law practice and your membership in a contracting firm? A. Yes, sir.

Q. That includes all the matters in which you are interested? A. That is all.

Q. Where are your contracts carried on or carried out? A. We have got considerable work now in Long Island City.

Q. About how many hundred thousand dollars worth of contracts? A. I should think \$500,000; I don't know the exact amount.

Q. Have you given up any of the contracts in Long Island City? A. No, sir.

Q. Keeping right on with them? A. Yes, sir.

Q. With what department of the municipal government of Long Island City do you contract? A. General improvement commission.

Q. How many commissioners are on that? A. I don't know; I think six, or five; I am not sure.

Q. Can you give us their names? A. I think Michael Claden is one.

Q. Another? A. Another's name is McGee; I don't know his first name.

Q. Another? A. Another is the commissioner of public works, Sherkey.

Q. That is three; another? A. Another is Mr. Williams.

Q. I think I heard that name before, Mr. Sheehan? A. It is a very familiar name.

Q. Do you know the gentleman? A. I have met him on two occasions.

Q. Is he any relative to Inspector Williams? A. I heard he was a brother.

Q. From his own lips? A. From his own lips; yes, sir.

Q. Does Inspector Williams, of your department, know that you have these contracts from this commission of improvements in Long Island City? A. I presume he does; the newspapers have written it up often enough; he ought to know.

Q. Does he know from any conversation that ever passed between you? A. No, sir.

Q. Do you mean to swear that no word has ever passed between yourself and Alexander Williams touching on facts in Long Island City? A. I mean to swear that positively.

Q. Do you know a contractor by the name of Riley? A. I know a number.

Q. Well, there is a contractor by the name of O'Reilly; I ask you now for a man by the name of Riley, who spells his name R-i-l-e-y? A. I know a contractor named Hugh J. Riley.

Q. Where is his place, his office? A. Down on Broadway somewhere.

Q. Do you know the number? A. I don't know; I think it is 26 Broadway; down in that neighborhood.

Q. Have you ever had any conversation with Riley about your contracts in Long Island City? A. I may have; Mr. Riley is a client of ours.

Q. And he goes to you for consultation upon his law business to police headquarters quite frequently? A. He has never been to police headquarters in his life to see me.

Q. Have you ever seen him at police headquarters? A. Not that I recall.

Q. Will you swear that he has never been in your room while you were there at police headquarters? A. I will not; I think he was there on one occasion.

Q. What brought him there on that occasion? A. I don't know.

Q. Well, he was in your room? A. Yes, sir.

Q. How can you swear that he never went to police headquarters to see you then? A. Not in connection with the Long Island contract business.

Q. I did not ask you that; you volunteered it, that he never was in police headquarters in his life to see you; you now say he was there on one occasion? A. You were talking about the

contract work in Long Island City, and then you asked me if he ever went to police headquarters to see me, and I said he never was there to see me about that contract or any other contract.

Q. That is your own inference; don't refer beyond my question? A. I will try not to.

Q. Did you ever have any conversation with Riley about your contracts in Long Island City? A. I may have.

Q. Did you ever talk with him about Commissioner Williams over there? A. I don't know as I did; I will not deny it; I don't know whether I did or not.

Q. Did you ever talk with him about Inspector Williams in connection with Long Island City contracts? A. Not as I know of.

Q. Will you swear that you didn't? A. To the best of my belief.

Q. Have you any doubt about it? A. About talking of Williams?

Q. Yes? A. I don't recall ever talking to him on the subject.

Q. I ask you point-blank, will you swear that you didn't talk to Riley about Inspector Williams, and in connection with Long Island City contracts? A. To the best of my belief I never talked with him on any such subject.

Q. Let us see if we can not refresh your memory a little bit; do you remember when Commissioner MacLean went out of the board, when his time was about to expire? A. Yes, sir.

Q. And you naturally took an interest in the appointment of his successor? A. Not very much.

Q. Well, you took an interest? A. Oh, yes.

Q. That is a relative question, how much you took; you took an interest, did you? A. I would like to have seen Commissioner McLean reappointed.

Q. I didn't ask you that; it is very gracious of you to say that now but did you say that to Riley? A. don't know what I said to Riley.

Q. Will you swear that you didn't talk to Riley about the appointment of a police commissioner? A. No, sir; Riley may have come to talk to me about it.

Q. I am asking you the fact; will you swear you didn't talk to Riley about the appointment of a police commissioner in MacLean's place? A. I don't know; I talked with so many you have got to confine the conversation.

Q. You say your relations with Riley are solely professional?  
A. We talked sometimes on other subjects.

Q. You had this conversation at police headquarters? A. I don't know what conversation you refer to.

Q. You say you will not swear but that you had a conversation? A. I remember of a conversation at police headquarters; I don't remember what it was about.

Q. You remember now that you had a conversation with Riley about the police commissionership? A. I didn't say that.

Q. Will you swear you hadn't? A. I don't know whether I had or not.

Q. Have you any recollection at all on the subject? A. I don't recall it.

Q. Did you ever send a message by Riley to any public man in this town touching the appointment of a man as police commissioner? A. No, sir.

Q. You swear to that positively? A. Yes, sir.

Q. Did you ever send a message by Riley to Mr. Thomas C. Platt about the appointment of a police commissioner? A. Never.

Q. You swear positively? A. I swear positively.

Q. Did you talk to him about Mr. Platt? A. Now, you refresh my mind —

Q. I thought I would. A. The conversation you refer to took place in my office, Mr. Goff.

Q. Wait a while; you knew that Captain Williams, or Inspector Williams, was a candidate for that appointment, did you not? A. I knew he was looking for it.

Q. Had you all your contracts completed then, or the contracts signed in Long Island City? A. Yes, sir.

Q. Every one? A. Oh, we got some since, I believe.

Q. Was there any of your contracts held up, awaiting signature? A. No, sir.

Q. By reason of any defect in the bond at that time? A. No, sir; not that I know of.

Q. Were any of your contracts ever held up, awaiting signature by reason of a defect in the bond? A. No; not for any such reason.

Q. They were held up for some reason? A. Yes, sir.

Q. Were there any being held up at that time? A. Not that I know of.



Q. Will you swear that all the contracts that you had put in your tenders for in Long Island City had been either accepted or rejected at the time you spoke to Riley about Williams' candidacy for the police commissionership? A. We never had a contract rejected there.

Q. So all your contracts went through in Long Island City? A. We were the lowest bidders on every occasion where we got a contract.

Q. Had you ever any trouble about your bondsmen? A. Yes, sir; the first bid we put in, for the first work, when the bondsmen went to qualify, the corporation counsel rejected one of them because he was not the owner of real estate; we offered to put up \$1,000 in government bonds, but he wouldn't take that security; he wanted real estate, and we had to substitute another surety.

Q. I find that on December 16, 1893, that the opening of bids for a certain work was postponed for one week and advertisements continued, bids returned to four bidders, John C. Sheehan; do you remember that one? A. Yes, sir.

Q. Returned to you? A. I do.

Q. And you refused to take it? A. No, sir; I didn't.

Q. The minutes of the board say: "John C. Sheehan's representative objects to and refuses to take back his bid, saying that he has the commissioner's receipt for the same;" what of that; is it true enough? A. You have that mixed up.

Q. Is it true or not? A. What is your question?

Q. Is that entry from the commission's minutes in Long Island City — A. I don't know anything about their minutes; I never saw them.

Q. Is the statement I read to you true or untrue? A. What is it again?

Q. I will read it: "December 16, 1893. Opening of bids postponed for one week and advertisements continued. Bids returned to the four bidders. John C. Sheehan's representative objects to and refuses to take back his bid, saying that he has the commissioner's receipt for same." Now, is that true or untrue? A. I remember the occasion; yes.

Q. Well, now, it is true, you say, and if you had answered that at first you would have saved my throat trouble in reading it the second time? A. I will explain how it was.

Q. We will have that later on? A. I want to explain that now.

Q. Please do not? A. Well, you have that wrong.

Chairman Lexow.—You can explain it later on.

The Witness.—Why not straighten it out now?

Senator Cantor.—It will save time, Mr. Goff, if he straightens it out now.

Mr. Goff.—Senator, the responsibility of conducting this investigation rests on my shoulders.

Senator Cantor.—Yes; but the commissioner is entitled to an explanation.

Mr. Goff.—Then you call his attention to it, Senator, when the time comes.

The Witness.—This is the proper time. I can tell you now what the situation is—

Mr. Goff.—I do not want to do you an injustice, commissioner—

Chairman Lexow.—The Chair rules that the examination is now in the hands of the examiner. When the proper time is reached you can make any explanation you wish.

The Witness.—That may be a week or a month. Now is the time to make it.

By Mr. Goff:

Q. You will be a police commissioner at that time? A. I hope to; at this time, when these questions are being asked, I ought to be given an opportunity to make an explanation of what the fact is.

Q. I will see that you shall not be placed in any false position? A. I think you mean that, but when are you going to give me that opportunity?

Q. I am not the dispenser of time yet? A. It will take but a few words to straighten this thing out.

Chairman Lexow.—The Chair has made the ruling.

Senator O'Connor.—I suggest, Mr. Goff, that here is a witness under examination who has appeared when called upon. Now things that he wants to explain, some record ought to be made of them as he goes along.

Mr. Goff.—That is the record. I will see that he has an opportunity to explain it. I state now to Commissioner Sheehan open and above board that I shall endeavor, during this examination—no matter how he may regard me—to treat him as I have treated all other witnesses here—fairly and squarely.

The Witness.—All right.

Q. On December 13, 1893, two bids instead of four were received for work on Harris avenue sewer; that is John C. Sheehan, of 258 Broadway, with his New York bondsmen, and Smith & Bergen, of Long Island City, with Bondsmen William Steiner, Joseph McGee and Brown & Fleming, of New York; both bids referred to engineer for tabulation; I simply want to get at this thing, and I am reading to you so that you can refresh your memory? A. I never saw the records, but I presume they are correct.

Q. I assure you this came to me as a certified copy; on December 18, 1893, report on tabulation of bids for Harris avenue sewer: John C. Sheehan, \$92,764; Smith & Bergen, \$125,807; contract awarded to John C. Sheehan; you were the lowest bidder there? A. Yes, sir.

Q. Did you bid for that in your capacity as a member of the firm of Sheehan & Co.? A. No; I bid in the name of John C. Sheehan.

Q. That is an individual contract? A. No; Mr. O'Brien is in partnership with me.

Q. Did he participate in this? A. Not in the bid.

Q. But in the work to be done? A. Did he participate in what way?

Q. Has he an interest in the performance of that work? A. Certainly.

Q. As a partner? A. Yes, sir.

Q. So that you bid individually and not in the name of your firm? A. Not at that time.

Q. What purpose had you in not bidding in the name of your firm? A. Mr. O'Brien rather preferred it that way.

Q. Why? A. You will have to ask him.

Q. Well, there is nothing disreputable about the name of the firm? A. I will tell you; Mr. O'Brien has got considerable debts, and he did not want to have his name come out, I presume, at that time; you know Mr. O'Brien had some suits on his hands and had a suit pending for work done, and, on the whole, he thought it was better not to have his name come out, and if I bid in the name of John C. Sheehan & Co. his name would probably have come out.

By Chairman Lexow:

Q. Is that the old firm of Clark & O'Brien? A. He was of that firm.

By Mr. Goff:

Q. Do we understand that Mr. O'Brien at that time was in financial difficulties or embarrassments? A. I don't know how much embarrassed he was; he preferred not to have his name mentioned.

Q. Now, I pass over other contracts here which have no bearing; I come to one point, commissioner; possibly you may give me a little light on it; "January 3, 1894. The bids for Hoyt avenue sewer were rejected, as corporation counsel in written statement refused to approve the sureties as to form and sufficiency."

Chairman Lexow.—Mr. Goff, how long will you continue your examination?

Mr. Goff.—We will adjourn now, sir, if you wish.

Chairman Lexow.—You want to discontinue at about this point?

Mr. Goff.—Yes, sir.

Chairman Lexow.—Commissioner Sheehan now asks whether he is expected to be here to-morrow.

Mr. Goff.—Yes.

The Witness.—I only asked that in view of the fact that we have all these election matters on our hands.

Mr. Goff.—On your assurance, commissioner, that if you had to be here to-morrow, you would prefer to start in this afternoon we started in.

The Witness.—Yes, sir.

Mr. Goff.—Of course, it had been previously determined that you should be here to-morrow.

The Witness.—I expected that if we went on this afternoon that would give me an opportunity to attend to my duties to-morrow.

Mr. Goff.—I am afraid we can not break our examination now, but to enable the commissioner to do something this afternoon I ask an adjournment now until to-morrow morning.

Chairman Lexow.—Can we not get started at 10 o'clock to-morrow morning?

Mr. Goff.—No, sir; the hardest part of my work is performed out of court.

Chairman Lexow.—We understand the difficulties that you labor under. All witnesses under subpoena to-day will attend here to-morrow morning at half-past 10 o'clock. The committee stands adjourned until that time.

Proceedings of the fifty-second session of the committee, Friday, October 26, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Edmund O'Connor, Daniel Bradley, Jacob A. Cantor, and George W. Robertson; John W. Goff, Esq., and Frank Moss, Esq., of counsel for the committee.

Chairman Lexow.—Mr. Commissioner, will you take the stand?

John C. Sheehan, recalled as a witness and further examined by Mr. Goff, testified as follows:

Q. Commissioner, you wished yesterday to explain something; suppose, while I take breath, you explain? A. Well, the controversy arose over those Long Island City contracts; I wanted to state, in answer to your question at that time, that the first I knew that the Long Island improvement commissioners were advertising for work of any kind, was when my attention was called to the advertisement that appeared in the New York papers; Mr. O'Brien spoke to me about it, and said he thought it was good work to bid for, and we made out a bid and submitted it; when the bids were opened, there were four or five bids and we were the lowest bidders; the bids were held by the commissioner for sometime, and we saw without any doubt that they did not want to give us the work, and preferred the work to go to somebody else; they requested finally that the bidders take back their bids, and take back their certified checks; and the party representing us refused to take back our check for \$5,000, and notwithstanding that the bids were thrown out by the Long Island commissioners, and they re-advertised for the work, and we were again the lowest bidders, and on that account the work was awarded to us; every contract we got in Long Island City we were the lowest bidders for the work and at the time those contracts were pending, it was in December last; at the time Commissioner MacLean was a member of the police board, and he did not cease his connection with the board until some time in June, I believe, this year; and furthermore, with reference to the Eighth Avenue court-house, I had no more to do with bringing about a change of the Eighth District court-house from Twenty-second street to Eighth avenue, where it was located over an old stable, to the Eighth Avenue opera-house, than you, Mr. Goff; I knew nothing about it until the whole transaction was consummated.

Q. You knew nothing about it until the whole transaction was consummated; how was it that you refused your influence when requested to give it for a consideration by another lawyer?

A. I told you yesterday, in answer to that same question, that at the time Mr. Kelley called upon me I told him that I had met Judge Stiner in the morning on my way to my office, and he then told me he had secured a lease of the Grand opera-house, and what was in the lease.

Q. You did not tell Mr. Kelley that? A. I did.

Q. You testified that Mr. Kelley went to you to retain you for your influence, that the court-house be kept in its then present location; you have stated here that you have never tried a case in our courts? A. No, sir; I have tried references.

Q. What influence could you possess, or did you understand, that Mr. Kelley sought to purchase by a retainer, since you were not a practicing attorney in that court or any other court? A. I am a practicing attorney.

Q. You say you have never tried in court? A. I have prepared cases.

Q. That is not appearing; you have never tried a case there? A. I have been trying references; the lawyers that make the most money never try cases.

Q. I think I know that; and you say you never tried a case? A. Not in a court of record of this city.

Q. Nor in that Eighth District court? A. No, sir; I did not; what the change of the court-house from one location to another would have to do with the trial of cases I don't know.

Q. I am not asking you that question; and Mr. Commissioner, if we confine ourselves to questions and answers we will get along better? A. If you do that I will do that.

Q. Then don't argue back, if you please? A. Don't get off any side speeches then.

Q. I will not deliver any side speeches.

Chairman Lexow.— That is not right. This committee is prepared to give you all the protection that you are entitled to, because you are not represented here by counsel; and if you attempt to argue the case yourself, it is relieving the committee of any necessity of protecting you, and you will have to take the consequences.

The Witness.— All right, sir. I will try and protect myself.

By Mr. Goff:

Q. Very well, we will go on on that issue, Mr Commissioner.

A. I expect fair-play, and if I don't get it I will try to protect myself; I tell you honestly about that matter —

Q. One moment; you are not the first man that has hung himself by talking too much on the witness stand; I give you a word of caution for your own sake? A. I will try not to hang myself.

Q. You have had the assurance of this committee that they will look after you and see you get fair treatment, because you are not represented by counsel; and I assured you that I would treat you fairly and squarely, and you are not satisfied with that? A. That is all right.

Chairman Lexow.— The commissioner understands he is here to answer questions, and not to put them himself, and not to argue with counsel. That is one of the fundamental principles of examination, and Mr. Sheehan must know that as well as any lawyer in the city. If Mr. Sheehan restricts himself to those proper limitations, the committee will see he is properly protected, and he will get all the protection his case requires. We have tried to be fair and impartial, commissioner, and I think it has been agreed that we have been fair and impartial in the discussion of these matters.

Mr. Goff.— I wish to call a witness, to note upon the record the name of this witness, and have him called by yourself or the sergeant-at-arms — Andrew J. White.

Senator Cantor.— Mr. White saw me last evening and asked me if it was necessary to be here this morning, and I told him I understood Mr. Sheehan was to be on the stand, and if he was wanted I would notify him by telephone.

Mr. Goff.— All I have to note on the record is his not appearing. I do not wish to say anything, Senator Cantor, but Commissioner White should have been here, and he knows why.

Senator Cantor.— He is a dock commissioner, and I suppose he would answer the purpose just as well by coming here on call through the telephone.

Chairman Lexow.— We will note the fact that Mr. White has not appeared, although it appears to me that on the explanation of Senator Cantor that his excuse ought to be considered, and if he is present he is not in the situation of a recalcitrant witness.

Mr. Goff.—We have got to protect our subpoenas. If Mr. White had been here he could have responded; and now our subpoena is due, unless we place ourselves on record to keep it alive.

Senator Cantor.—He will be here in a few minutes.

Chairman Lexow.—Senator Cantor has arranged that he shall be here in a few minutes.

Senator Cantor.—Perhaps I ought not to have interfered in the matter, inasmuch as he is a public officer, but as Sheehan was under examination I thought you would come to him later on.

By Mr. Goff:

Q. Let us go back; since you were not a practicing attorney as a trial attorney in the courts of New York, and since you never appeared in the trial of a case in the Eighth District court, what was in the influence which you understood Mr. Kelley wanted to purchase or retain in behalf of keeping the court in its then present location? A. I could not tell you, Mr. Goff; I can tell you what he asked me.

Q. Did you ask him? A. I do not think I did.

Q. You, as a public official of this city, a man goes to you to retain you for your influence, not for your services as an attorney, but for your influence; didn't you think it a strange question for an attorney to ask you for your influence to interfere in a matter outside of your official duties? A. I do not know how I took it; I know how I answered it.

Q. Do you think that was a proper thing, for a public official to be approached by another to seek his influence on behalf of a certain thing that had nothing to do with his official duties as commissioner? A. I did not think it was a proper thing.

Q. Is that your code of ethics and public morality, that a man can come to you and ask to buy your influence outside of your official duties as commissioner? A. I did not think he was trying to buy my influence.

Q. He asked you to retain your influence? A. I assume that is what he wanted.

Q. You swear positively; not what you assume? A. He did not ask me for that.

Q. Were you correct or incorrect when you said that yesterday evening? A. I do not know.



Q. Were you correct or incorrect when you said that yesterday evening? A. I presume that is what he wanted.

Q. You swore positively that he wanted to retain you for your influence; that is your testimony; was that true or false? A. Did I swear he used those words?

Q. Those were his words? A. I did not swear.

Q. Mr. Stenographer, get those notes of yesterday evening.

(The stenographer produces a transcript of the notes, and handed them to Mr. Goff.)

Q. I read —

Chairman Lexow.— The testimony is here on page 6826, the last question.

By Mr. Goff:

Q. I will read: "With the leasing of the opera-house for court purposes? A. Not the slightest in the world. Q. Did you say that you ever had? A. No, sir; this gentleman, Kelley, as I recall, came to me and wanted me to use my influence to have something done with reference to securing a lease of that opera-house." A. Well, if I said it, I am mistaken; I can tell you precisely what he said.

Chairman Lexow.— Follow that up with the question put on page 6827, in which you answered, "All I recall of that is, that this gentleman came to me and spoke to me about having me use my influence in some way for or against having me secure a lease of that opera-house."

By Mr. Goff:

Q. That is twice you testified? A. I recall the conversation.

Q. Now, when you testified in that way twice yesterday, was it true or false? A. Well, I was mistaken if I said he wanted to secure my influence.

Q. Then, it was not true? A. No, sir; he did not use those words; he did not use those words.

Q. Wait awhile; you say it is not true, what you testified to?

By Chairman Lexow:

Q. How can that be possible, when, on page 6828, you testified, "He wanted me to use my influence to keep that court where it was?" A. Well, I told you his conversation, and that will explain it.

By Mr. Goff:

Q. We will get at all that in due course of time; what we want to get is to get the record straight; were all the answers you stated yesterday, as read from the record, that you were asked by this gentleman to use your influence to keep that court-house in its then present location — were those answers true or false? A. If I said —

Q. That is a categorical question and requires a categorical answer? A. I said — if I said he requested me to use my influence, it is a mistake.

Q. I ask you now, when you answered several times, which we have read from the record, in the way that it has been read to you, were those answers true or false? A. I have answered that question.

Q. Were they true or false? A. I said, Mr. Goff —

Q. Were they true or false; now we will get an answer to that, commissioner, if we stay here a week? A. I can stay as long as you can.

Q. I think you can; you have got an easier position than I have had? A. I said, Mr. Goff —

Mr. Goff.—I object.

The Witness.—If I said that he requested me to use my influence —

Mr. Goff.—I object.

Q. The question — you as a lawyer know its a proper one under the rules of evidence, where a witness contradicts himself or disallows a statement that he has made — the question is a proper one; and I assume that you know something about the elementary rules of evidence, Mr. Commissioner, and I put it to you, and I want an answer? A. I have answered it.

Q. I want an answer to my last question?

Chairman Lexow.—Now, Mr. Commissioner, counsel is entitled to a categorical reply to the question. You may explain, however, afterward.

The Witness.—I was mistaken if I used the word “influence.”

Q. Were you mistaken every time you used the word “influence?” A. He did not say — he did not come for my influence.

Q. Were you mistaken every time you say he came for your influence?

Senator O'Connor.—Page 6832, that question substantially came up.

Chairman Lexow.—Mr. Senator, will you read a little louder?

Senator O'Connor.—Page 6832, in which he answered to a question on the same subject, he testified, "He did not say that he wanted my influence; I don't recall just what he said; he came to me, and said that he was interested in that property; that he was the attorney for it, and that he would like to retain me in the matter." He did testify yesterday that he did not want to give his influence, although he had previously used that expression.

Mr. Goff.—I do not understand the position.

Chairman Lexow.—That is an explanation the witness can make. I think the counsel is entitled to a categorical answer to that question, and Mr. Sheehan can say, if he pleases, that he corrects that testimony, so far as he gave yesterday.

Mr. Goff.—I am entitled to a categorical reply, and insist upon my right.

The Witness.—I have answered all that; the record shows I have answered it.

Q. I will put it again; we will get it down so that there will be no mistake about it, so any future generations reading this testimony, that they may have no mistake; I read from the record this, my question, page 6826 of yesterday's proceedings; I read from the official minutes or transcription of them by the stenographer, "Q. Did you say that you ever had? A. No, sir; this gentleman, Kelley, as I recollect, came to me and wanted me to use my influence to have something done with reference to securing a lease of that opera-house." Mr. Witness, when you made that answer yesterday, was it a true or a false answer? A. If I made that answer yesterday, I was mistaken in it; the record shows I made another answer entirely.

Mr. Goff.—That is enough.

The Witness.—My whole answer is down there.

Q. Wait a while; we will get it all; I read further, page 6827: "What influence did he want you to use? A. That I can not say. Q. What did you understand? A. All I recall of that is that this gentleman came to me and spoke to me about having me use my influence in some way, for or against having me secure a lease of that opera-house; I do not know what it was for." When you made that answer yesterday, was that answer true or false? A. I do not believe the gentleman ever used that; I know he never used the word "influence."

Chairman Lexow.—The chair has ruled that counsel is entitled to a categorical answer to that question; therefore, the stenographer will take nothing down but a categorical reply to that question. The witness can make his explanation afterward.

(Question was repeated twice without eliciting a categorical answer.)

Chairman Lexow.—The Chair has already ruled that the counsel is entitled to a categorical reply to that question. And the ruling of the chair, unless that ruling is disapproved by the committee, is that the stenographer will take down that the witness refuses to answer the question. The Chair rules the question must be answered.

Q. Do you still refuse to answer that? A. What was that question, Mr. Goff?

Q. Was that answer which you made yesterday, and which I have read from the record in my last question, true or false, when you made it? A. What was the question?

Mr. Goff.—Read the question.

(The stenographer read as follows: "I read further, page 6827. Q. What influence did he want you to use? A. That I can not say. Q. What did you understand? A. All I recall of that is, that this gentleman came to see me, and spoke to me about having me use my influence in some way for or against having me secure a lease of that opera-house; I do not know what it was for." When you made that answer yesterday, was that answer true or false?)

The Witness.—I said that every time that word was used I was mistaken, because I do not recall using that word.

Q. I am satisfied; that is all I want to get on the record; are there other matters in your testimony yesterday on which you were mistaken, Commissioner? A. Not that I recall.

Q. Then Mr. Kelley did not use the word "influence" to you? A. Not that I recall, Mr. Goff. }

Q. How did it come to pass that you used the word "influence" so frequently in your testimony yesterday, as having been used by Mr. Kelley? A. I can not account for it.

Q. Is the word "influence" used so frequently to you, that it comes "pat" to apply to any application from you? A. No; I do not think it is used in reference to me any more than yourself.

Q. Well, I am not a police commissioner, Mr. Commissioner? A. Well, you are endeavoring to be a recorder.

Q. You know it is a rule of ethics in the practice of the law and in the examination of counsel, that neither judge upon the bench nor counsel should be brought into matters personal; if you do not know that rule of ethics and propriety I now state it to you? A. I know all the rules of evidence as well as you do.

Q. Do you know where that rule is? A. I am here to be examined about the police department; you are trying to find corruption in the police department; I am not going to answer any questions referring to other matters.

Q. Oh! Indeed; yesterday you started in to say that you were only too anxious to answer all questions I put to you? A. In reference to the police department.

Q. You didn't say that; and that you had nothing to conceal; and you were polite in assuring me that you were ready to answer every question? A. I suppose that questions would be confined to the police department.

Q. What change has come over the spirit of your dreams? I asked you very plainly yesterday, Mr. Commissioner—you said you were here unreservedly; that you as an honest man had nothing to fear, and that you would answer every question put to you, and you had nothing to conceal? A. I am here to answer every question concerning the police department, as far as I can, Mr. Goff.

Q. We will see, as far as we can; the police department has its ramifications, and we will see; I ask you now if you used the term "influence" yesterday because it was "pat" upon your book, as having been frequently used in reference to your influence in this city by reason of your being police commissioner? A. I think the word is used to you more than to me.

Q. That is not an answer to my question?

Chairman Lexow.—That is not right. You are forfeiting the protection the committee wishes to throw around you.

Senator Cantor.—Answer the question. }

Senator O'Connor.—Instead of asking, Mr. Goff questions is it not very easy to state, as you stated before, that you can not account for how you used it.

A. I can not tell you exactly how I came to use it.

Chairman Lexow.—I think it is only fair that the witness should not be misled as to the testimony he gave yesterday. I want to call the witness' attention to the following question: "Now, I remember distinctly"—those are

your words — “he wanted me to use my influence to keep that court where it was.”

The Witness.— He did not use those words. I might assume that is what he wanted; he did not use any such words to me.

Q. You state in that connection that you remembered distinctly that he wanted you to use your influence? A. I remember that that was what he wanted; he didn't use any such word; Mr. Kelley can speak for himself; he never used the word “influence.”

By Senator O'Connor:

Q. Were you led to the first expression you made because you assumed that is what he wanted? A. The words he used to me, as far as I can recall, were these; he came into the office, and was shown into my room, and he said, “Mr. Sheehan, I would like to retain you in a matter I am interested in;” he said, “I am the representative of the owners of the estate on the corner of Twenty-second street and Seventh avenue, where the Eighth District court is located, and I would like to retain you in a matter that is now pending with reference to the removal of that court to Eighth avenue;” and I said, “Mr. Kelley, I can not help you in the matter.”

By Mr. Goff:

Q. Now, Mr. Sheehan, you know that a witness in any court or in any proceeding is not entitled to counsel; you know that, don't you? A. What is that?

Q. Do you know it; that a witness in any court or in any proceeding is not entitled to the advice or services of counsel? A. Is not entitled to it?

Q. Are you aware of that fact? A. You go ahead and ask a question.

Mr. Goff.— That is a question, sir.

By Chairman Lexow:

Q. Are you aware of that fact? A. I am aware of the fact that this committee has ruled that a witness is not entitled to counsel.

By Mr. Goff:

Q. Are you aware that a witness in any court is not entitled to the advice or assistance of counsel? A. A witness is supposed to answer the questions according to the best of his ability.

Q. Are you aware of that fact? A. Certainly.

Q. You have had the advice of your brother, the Lieutenant-Governor of this State, this morning, haven't you? A. I have not.

Q. Haven't you talked with him this morning? A. Oh, we talked; certainly.

Q. Of your examination? A. No; not of any subject that came up here this morning.

Q. Haven't you talked of your examination? A. Yes, sir.

Q. You are now looking at him in the court? A. I am not, now.

Q. You were looking at him in this court-room, and have been looking at him all the morning? A. I have not; I have been looking at you.

Q. Your eyes have wandered frequently? A. They wander all over the court-room.

Q. That is what I observe — they wandered; and while I have no objection to anyone coming here, Mr. Chairman, I simply suggest to you a question that is proper, and to the Lieutenant-Governor, as well.

Senator Cantor.—I do not see any objection to the Lieutenant-Governor coming here if he desires to?

Mr. Goff.—I see an objection, Mr. Senator, of any witness on the witness stand to seek either consultation or advice or suggestion from the eyes of any man.

Senator Cantor.—So do I; but there is nothing of that kind that will be backed up by evidence.

Mr. Goff.—The difficulty is you are looking only one way.

Senator Cantor.—I am looking your way.

Mr. Goff.—No, Senator, you are not looking my way.

Lieutenant-Governor Sheehan.—Mr. Chairman, if there is any objection to my sitting here as an observer —

Chairman Lexow.—Not the slightest.

Mr. Goff.—Not the slightest.

Senator Cantor.—One moment, Mr. Goff. Judge White is here now.

Mr. Goff.—Judge White, I want a word with you, please. You will pardon me a moment, Mr. Chairman. Now we have fixed that, Senator.

By Mr. Goff:

Q. Your partner, ex-Judge Brown, is a tenant on the Gould estate? A. I believe he lives in a house that belongs to the Gould estate.

Q. Over night, after reflecting upon your testimony yesterday, are you now prepared to say that you knew nothing whatever about the negotiations leading up to the execution of that lease on the part of the city? A. At that time; no, sir.

Q. At the time—at the time that Kelley called upon you? A. I told you that I did; and I told Kelley I knew the whole thing was consummated.

Q. I ask for the negotiations leading up to that? A. I know nothing about it; I was not asked to take any part in it.

Q. Do you swear the first you heard of the change was when Justice Steiner told you the lease was signed? A. No; I heard an effort was made before that to change the court.

Q. Weren't you asked by some persons to interest yourself in behalf of the change? A. Not that I know of; no, sir.

Q. Will you swear you were not? A. I will.

Q. That is positive? A. I was talked to by some parties; they were talking to me about the change they were trying to bring about; I was not asked to do anything about it.

Q. Did you do anything about it? A. No, sir.

Q. To interest yourself in any way? A. No, sir.

Q. Did your firm interest themselves as a firm? A. Not that I know of.

Q. Could they have interested themselves without your knowing it? A. Certainly they could; but I don't believe they did; I don't believe Judge Brown interested himself in any way, shape or manner.

Q. So far as your partnership goes or your bookkeeping goes, can you say there never was a taking of an interest by your firm in the consideration of the change of that court-house? A. Never in the world.

Q. Or anyone for you? A. Or anyone for me, or acting for me.

Q. In any manner, shape or form? A. In any manner, shape or form.

Q. Now, you explained this morning about the Long Island contracts; it was proper you should have the opportunity that you asked for last night, commissioner; and while—you said



something about your bid there on the contracts at Long Island City; the rules governing the tender require that 10 per cent. of the amount should accompany each bid; do they not? A. I don't know what it was now; I think the check was \$5,000, if I can recall it.

Q. There must have been some rule requiring a deposit or else \$5,000 would not have accompanied your bid? A. There was; that \$5,000 complied with the rules; I do not recall it.

Q. Your bid was \$92,000 — \$92,764; that is the bid in the record? A. Yes, sir.

Q. Well, there was a check of \$5,000, and the rule was 10 per cent. of the amount of the bid should accompany the bid? A. I don't think it was 10 per cent.

Q. I assure you, commissioner, that that was the law, and is the law governing the awarding of bids in Long Island City? A. I can only give the estimate, and can tell —

Q. You know there was a check for \$5,000? A. I think it was \$5,000.

Q. I agree with you, it was; I know as a fact it was, because that is a little over 10 per cent.? A. What is?

Q. Five thousand dollars? A. A little over 5 per cent.

Q. A little over 5 per cent.—pardon me for the computation — a little over 5 per cent.; don't you remember, commissioner, that those bids were sealed? A. Certainly.

Q. The notice of the advertisement required them to be sold? A. Certainly.

Q. Don't you remember on the outside of your envelope there was the amount of \$5,000 in figures? A. I don't remember anything about it; I had nothing to do with it.

Q. Will you swear on the outside of the envelope containing your bid that \$5,000 was not in figures? A. I will swear I never saw the envelope with \$5,000 marked on it.

Q. Will you swear there was \$5,000 marked on it? A. I can not swear, if I do not know it; Mr. Brown attended to the whole business and went over and submitted the bid.

Q. That is all right, as long as you say so; Mr. Brown acted as your agent in the matter, as your partner? A. As my partner.

Q. A partner is an agent; it is all the same? A. Certainly.

Q. As matter of fact, did you ever hear that the amount of the check accompanying the bid was indorsed on the envelope?  
A. Not that I know of.

Q. So that the commissioners in Long Island City, while appearing to comply with the law, could see on the outside of the bid of Mr. Sheehan the amount of his bid by computing the amount accompanying the bid; did you ever hear of that?  
A. No; what good would that do?

Q. I do not wish to be in a position of answering questions, commissioner; I am asking you did you ever hear it? A. I never heard of it.

Q. Didn't every bid that you ever put into the commissioners at Long Island City contain on the outside of the envelope the amount of the check accompanying the bid, so that the commissioners could see the amount of the bid by computation?  
A. Not as I know of; it would not make any difference if I did.

Q. Was it not adopted by you as a rule, and suggested to you by one of the commissioners in Long Island City, so they could tell your bid? A. No, sir; never in the world.

Q. Did you ever hear of it before? A. No, sir.

Q. Will you swear no envelope containing a bid in Long Island City did not contain on the outside of the envelope the amount of the check accompanying the bid? A. I can not swear to anything I know nothing about; I do not know anything about it; I might have walked up and passed in a check and said, "Here is my check for \$5,000, and there is my bid;" the check so much of the bid; it did not make any difference whether he gave it in an envelope marked, or gave it openly; what difference did it make?

Q. Let us see about the difference; these bids were supposed to be sealed bids? A. The bids for the work; certainly.

Q. Wait a while; and according to the law, and the spirit of the law, before opening those sealed bids the commissioners were supposed not to know anything whatever as to the amount bid by the respective bidders; that is the law? A. I presume that is the law.

Q. Now, if on the envelopes containing the bid there was the amount of the check accompanying the bid it took but a moment's computation for the commissioners to tell before they opened the sealed bids how much your bid was; do you understand that? A. I understand what you are getting at.

Q. Do you understand what good it would do them? A. I don't know; what good would it do?

Q. I think my explanation of the law—A. They would have to open the bids and dispose of them.

Senator O'Connor.—Mr. Goff, you claim by indorsing on the proposal the amount of the check that that practically would be advising the commissioners of the amount of the bid before they had opened it.

Mr. Goff.—Precisely.

Senator O'Connor.—That would be the effect of the indorsement.

Mr. Goff.—That would be the effect of the indorsement, precisely.

Q. Do you know John C. Rogers? A. Do I know him?

Q. Yes? A. Yes.

Q. Have you any interest in his contracts? A. No, sir; never had in the world.

Q. "January 3, 1894. The bids for Hoyt avenue sewer were rejected as corporation counsel in a written statement refused to approve the sureties as to form of surety, defects in the form on the part of Mr. J. C. Rogers who offered the American Surety Company instead of two freeholders; the sureties of Smith and Burton omitted were in \$15,000 and \$20,000; the total was \$75,000 less than required;" that is from the official minutes of the proceedings of the board; commissioner, I wish you to remember now to retain in your mind that one of the reasons for the rejection of some of the bids was that the surety offered was that of the American Surety Company instead of two freeholders? A. Yes.

Q. "On January 16, 1894, bids received and opened for sewer on Broadway and on Hoyt avenue;" this is the avenue where the bids were rejected by reason of the informalities of the sureties? A. On account of the American Surety Company being presented as surety?

Q. Yes; "John C. Sheehan bid on four sections of Broadway sewer; Rogers & Burton bid upon other sections; bids referred to engineer for tabulation; on January 18, 1894, report of totals of bids read by Commissioner Sharkey; that is J. C. Rogers for section of Broadway sewer, \$359,407, John C. Sheehan, \$326,735; Sheehan less than Rogers, \$32,672; a resolution offered by Commissioner Williams providing that as John C. Sheehan

was the lowest bidder on the whole work the contract be awarded to him; resolution was adopted; on January 27, 1894, contract with John C. Sheehan, signed;" who did you offer as surety on that contract, Mr. Sheehan? A. I can not recall now; you can probably tell.

Q. Was it John P. Windolph? A. He was on most of them; I don't know whether he was on that or not.

Q. Who is John P. Windolph? A. He is a real estate owner on the west side, and a member of the Real Estate Exchange down town.

Q. I merely wish to identify the person; wasn't he a member of the Assembly at one time? A. He was at one time.

Q. Or the board of aldermen in this city? A. He was a members of the Assembly some years ago.

Q. Well, on this bid of \$326,000, you offered the American Surety Company as your surety; Corporation Counsel Stewart accepted it; I read you a little while ago where the bids of the other contractors were rejected because they offered the American Surety Company as their surety? A. Yes.

Q. After the rejection of their bids on account of the form of surety offered, the commissioner in Long Island City, it is stated, accepted that very surety from you; is that so? A. Do you want an explanation?

Mr. Goff.—Are you testifying, or am I?

By Chairman Lexow:

Q. That is a fact, is it not? A. I will answer the question my own way; he is making the answer.

Chairman Lexow.—Mr. Goff is entitled to a categorical answer to any question that admits of it. You can make your explanation afterward. We will give you all the opportunity you want.

The Witness.—You have not asked me a question yet.

Q. (Question read by stenographer.) After the rejection of their bids on account of the form of surety offered, the commissioner in Long Island City, it is stated, accepted that very surety from you, is that so? A. That is so; because the proposition allowed it.

By Mr. Goff:

Q. And you remember that the corporation counsel at Long Island City met you in New York to arrange about the accept-

ance of that surety? A. He went along to the American Surety Company, I believe, and completed the other papers.

Q. The other contractors and bidders for the work had to present their sureties over in Long Island City, didn't they?

A. The American Surety Company would not go to Long Island City to accept a bond.

Q. A corporation could not go there because it hasn't a soul and body, but their agent went there when it was rejected?

A. The American Surety Company had an office near the building.

Q. I am asking you a fact; didn't Mr. Stewart, the corporation counsel of Long Island City, on the acceptance of that bid by them and the awarding of the contract, meet you in New York and go down to the American Surety Company to accept their bond? A. Certainly.

Q. "On February 26, 1894, bids on sewer on the Crescent, Prospect street, Hunter avenue and James street received from Smith & Burton and John O'Brien, of New York, and referred to engineer for tabulation;" were you paying attention to my question? A. No, sir.

Mr. Goff.—Repeat the question.

The Witness.—I will answer no more questions until I get an opportunity to explain it.

Q. I repeat the question (question read by stenographer); now, Mr. Commissioner, was the John O'Brien that presented that bid your partner? A. Yes, sir.

Q. Were you interested in that bid? A. Yes, sir.

Q. It is the next bid; so that it would appear that the firm of John C. Sheehan & Company on one bid used the name of John C. Sheehan, and on another bid used the name of John O'Brien; is that the fact? A. That is the fact.

Q. So now we have it, commissioner, as you have stated the fact, how many bids did the firm of John C. Sheehan & Co., in actual fact, present to the corporation of Long Island City in the individual name of John C. Sheehan and the individual name of John O'Brien? A. I can not tell you; there were two or three in my name, and two or three in his; I don't remember the number.

By Senator O'Connor:

Q. In this connection I want to ask why did the corporation counsel of Long Island City come over to New York to accept

the bond from the surety company in your case, and not in the others? A. In the first case, Senator, the proposition of the bids required two real estate owners, and the other bidders, one or two of them, submitted the American Surety Company; the proposition of the bids did not allow the surety company to be used; and the bid was big, and the surety was so great it was very hard to get it; on the second letting the commissioners were induced to change their former proposition to use sureties of approved real estate ownership or the surety company; that was what the second proposal called for—you could either get real estate owners or some surety company; we found it was better to present a surety company, and less trouble at that time, than to run around and get bondsmen; and when the bids were submitted we were the lowest bidders, and the American Surety Company was mentioned as surety; when the bond was ready for execution, the American Surety Company executed it, and Mr. Stewart, who has an office in the neighborhood of the American Surety Company, went with us over to the American Surety Company to see the papers were all right.

Q. Why were some of these bid on your name and some on O'Brien? A. I will tell you; when I had the work in mine the newspapers commenced misrepresenting them, said there were strikes going on, and, in fact, actually endeavoring to bring about strikes so I could not carry on my work; I found it was dangerous to have work in my own name, and after that I did not put in any bid in any way, shape or manner in my own name.

By Chairman Lexow:

Q. What Senator O'Connor wanted you to explain was why the agent of the corporation should take the trouble to go down to the American Surety Company and see that the bond there was properly signed and delivered? A. Why, we asked him to go with us.

Q. Why should he go out of the way to accommodate you to that extent? A. He was not a block from the office, and we asked him to go there and see it was executed properly.

Q. It was a matter of personal favor between you and him? A. It was a matter of personal accommodation.

By Senator O'Connor:

Q. While you were getting these contracts in Long Island City was Mayor Gleason in control? A. No, sir.

Q. Mayor Gleason was opposing your getting them? A. Not that I know of; I heard some talk he objected, but I never heard he interfered; I heard outside he did object; I don't know whether he did or not.

Mr Goff.—If any captains are here whose presence is required at the registration we will excuse them to-day. If there are any police officers whose presence are required as to the registration we will excuse them for to-day.

Chairman Lexow.—You understand, officers, all those whose presence are required for registration purposes are excused. Mr. Goff, are you going on to-morrow.

Mr. Goff.—I am not able to determine now, Mr. Chairman.

Chairman Lexow.—Do you want any notification given to these witnesses.

Mr. Goff.—They consider themselves under supboena and to report here the next adjourned day of this committee, whether it will be Monday or to-morrow.

Q. In all of your contract in Long Island City is there any other person interested in those contracts but yourself and John O'Brien? A. Yes, in the first contract, and in the second I believe there is a man who acts as our superintendent has a small interest.

Q. Who is that? A. Mr. Brennan.

Q. Give us his full name please? A. I can not give it to you at this time; I can give it to you (examining papers), I have not got it here; Mr. Brennan is a practical sewer contractor and lives here in New York.

Q. Any other person but Mr. Brennan? A. He is the only one.

Q. Has your brother, the Lieutenant Governor in this State, any interest in those contracts? A. not the slightest; he hadn't the slightest knowledge I was ever going to bid over there.

Q. Is your brother, the Lieutenant-Governor so stated in the halls of representative in this State that his interest were great and varied in Long Island City, to a committee, did he state what is true or untrue, so far as your knowledge is concerned?

A. I have no knowledge of the subject at all.

Q. You have no knowledge whatever? A. No, sir.

Q. Do you know — do you remember a declaration by John O'Brien, made in Albany, that he had to go into partnership with you and also had to go into interest with your brother, the Lieutenant-Governor of this State, for the purpose of securing special legislation? A. John O'Brien never made any such statement.

Q. Will you swear that? A. I will swear that.

Q. How do you know it? A. Because I know too much about the man.

Q. Are prepared to swear that the man never made such a statement? A. I am prepared to swear he never made such a statement as you just made now.

Q. You have not been with him all your life time? A. Not all my life time; no, sir.

Q. How long have you been in partnership with him? A. Since the fore or later part of 1893.

Q. And before that you were not intimately associated with him? A. No.

Q. And you simply make this declaration under oath from your belief in him, not from knowledge that he never said that? A. Not from actual knowledge.

Q. Isn't that it? A. I could not swear from knowledge; I did not hear him use it; I can swear from what I know of him that he never used the word.

Q. You simply swear that it is your opinion and belief he did not say such a thing, and would not say such a thing? A. Yes, sir.

Q. You are not prepared to swear he did not say such a thing as I stated? A. I am swearing that way, that I am satisfied he never used such words.

Q. I understand; we agree upon that; you have had considerable trouble about your work over there in Long Island City? A. No, sir.

Q. No trouble at all? A. Not to speak of.

Q. Haven't you been sued by some of your former employes? A. No.

Q. Don't you know that Jarvis your former bookkeeper and timekeeper has sued you? A. He never worked for me.

Q. Has he sued you? A. Yes, sir; he has sued me for \$15.

Q. It is a small sum, but a good deal to a poor man? A. He never worked for me, Mr. Goff; he failed to answer when the time came to answer; he failed to put in an appearance.



Q. Are you aware of delegations of workmen and taxpayers having waited upon Mayor Sandford, objecting to the inspectors you put on the public work in Long Island City? A. We never had an inspector.

Q. Are you aware of a delegation of workmen and taxpayers in Long Island City filing objections to the inspectors on the work? A. We never employed them inspectors; the inspectors are employed by Long Island City.

Q. Do you know whether such a delegation ever waited upon Mayor Sandford? A. I am aware that delegates waited upon Mayor Sandford and objected to the inspectors the city had put on the work; we had nothing to do with the inspectors.

Q. Didn't they object to the inspectors named by you, as saloon keeper who knew nothing at all about the construction of sewers? A. They never made any such objection.

Q. Are you aware that a delegation of workmen and taxpayers of Long Island City waited upon Mayor Sandford to protest against the inspectors employed upon your work as men who were ex-saloon keepers and not practical workmen in the construction of sewers? A. I know nothing about it.

Q. Did you ever hear it before? A. I heard they objected to the inspectors employed by the city.

Q. Those inspectors were to inspect your work? A. Certainly; we did not employ them.

Q. And it was on the certification of those inspectors that you were to get your payment? A. No, sir; on the certificate of the chief engineer.

Q. They are reported to the chief engineer? A. I don't know what they did.

Q. They were put there by the city to see you performed your contract? A. Certainly.

Q. And they reported to the chief engineer? A. Yes, sir.

Q. Wasn't there a delegation of taxpayers of Long Island City who waited on the mayor, objecting to the inspectors put there for that purpose? A. I understood the delegation waited on the mayor, objecting on such ground, and the men were afterward examined and found perfectly competent; they had been practical sewer inspectors for years, and they were strangers to us.

Q. How do you know they were practical sewer inspectors? A. I heard it.

Q. Who told you? A. I presume Mr. O'Brien told me.

Q. That is all you know about it, that Mr. O'Brien told you?  
A. I got it from some source.

Q. You don't know anything about it? A. I heard about it.

Q. From whom did you hear it? A. I am not going to tell you; I don't know; I heard after they called on the mayor; it was afterward determined the men were all right.

Q. You see what it is to be so loose in expressions as you are?  
A. I am not very loose in expressions; I am simply telling you what I heard about it.

Q. I asked you yesterday in relation to these Long Island City contracts; you were aware, of course, that the commissioner, Mr. Williams, of Long Island City, was a brother of Inspector Williams of this city; you so stated? A. Yes, sir.

Q. Have you ever conversed—I asked you again; I am not sure whether I asked you yesterday—have you ever conversed with Inspector Williams about these contracts in Long Island City? A. I remember on one occasion when I did; it was after the New York World made an infamous attack on me, on the work that was going on there, and claiming I got the influence from the inspector's brother.

Q. The information is not new to you? A. The newspapers have charged it; it would not be new.

Q. You did have a conversation with Inspector Williams about the work then? A. I asked him if he saw this article in the papers and he said yes; I said "What do you think of it?" I don't recall what he said; but he denounced it.

Q. This charge was made by a responsible newspaper that you had used your office and the office of Inspector Williams with his brother to secure those contracts? A. It was something like that.

Q. That was the substance of the charge? A. Yes.

Q. Have you taken any legal steps to ascertain the truth of the charge, or demonstrate its falsehood? A. I have got an action now pending against the New York World for \$50,000, and it is on the calendar.

Q. For that? A. For that and other things; the whole thing is set out in the complaint.

Q. For that and other things? A. That and attacks they made on that work.

Q. Do you mean to say you have got an action for libel for that specific charge? A. No, sir; I don't.

Q. Have you ever taken any steps toward demonstrating the falsity of that charge, except to send for Inspector Williams and talk with him about it? A. I don't propose to give my case away to you in court.

Q. Have you taken any steps to demonstrate or prove the falsity of that charge, except those you have named? A. I have; yes, sir.

Q. What are they? A. I don't propose to give my case away; that will be tried in a short time in the court.

Q. You have not commenced an action? A. I have.

Q. For that libel? A. For the attacks they have made.

Q. Have you commenced an action against this newspaper for that charge? A. Of referring to Inspector Williams?

Q. Yes? A. No, sir; not that particularly.

Q. Have you taken any steps whatever to demonstrate the falsity of that charge, other than send for Inspector Williams? A. No; I have not.

Q. Well, Mr. Commissioner, you, a commissioner of police, charged by a public responsible journal with using your influence as commissioner of police with the inspector of police to effect contracts in your favor in Long Island City — do you think that, considering your public position, that it was a proper thing for you to allow such a charge to go unchallenged, in your official position? A. I did challenge it; I denied it in interviews.

Q. You denied it in interviews? A. Yes.

Q. Do you think a denial is sufficient where an official's honesty and integrity are assailed so directly; do you think a denial is sufficient? A. What more can I do?

Q. I ask you for your opinion upon it; do you think a denial is sufficient under the circumstances? A. I think I did all I could.

Q. You do not think you could do any more? A. No, sir.

Q. Now, I spoke to you yesterday about another matter, Mr. Commissioner, and I will briefly touch upon it to-day again; you said yesterday that you were anxious to see Mr. MacLean appointed his own successor? A. I would have liked to have seen him appointed.

Q. Your relations with Mr. MacLean were pleasant? A. Yes, sir.

Q. But you soon found out that the appointing power of this city would not reappoint Mr. MacLean as his own successor? A. I had no knowledge upon that subject, except what I read in the newspapers; the newspapers were claiming the commissioner would be Republican, and so on.

Q. You are a district leader of Tammany Hall? A. Yes, sir.

Q. You were then one of the committee of 70? A. Yes, sir—the committee of 60 then, I believe.

Q. Not then, commissioner, was it? A. Wasn't it; I believe so, yes; Commissioner MacLean went out some time in May or June.

Q. The committee of 30 were their business side partners, as you call it? A. Whatever you call it.

Q. You are a member of the committee of 60? A. Yes, sir; 10 less than 70, Mr. Goff.

Q. I admire your arithmetical skill, but I fail to see the point.

Senator Cantor.—They are business men, I suppose, too.

Q. I merely ask you if you represent the practical or business end of the combination in your district? A. All I can, both ways.

Q. Pardon me, you were the original member? A. Certainly, I am recognized as the leader there.

Q. There was a member appointed or selected for you, as business man? A. Yes, sir.

Q. Who was that member? A. Charles W. Ferris.

Q. At this time you, as member of this executive committee of Tammany Hall—do you mean to say that you had no knowledge of the intentions of the appointing power, the mayor of this city, as to whether Mr. MacLean would be appointed or not? A. Not the slightest in the world.

Q. Are not such matters considered by that committee? A. No, sir; when the mayor makes the appointment he never takes any matter of that kind into consideration with the committee.

Q. Then do we understand it that this powerful committee of Tammany Hall organization has nothing whatever to do with the appointments which may be made to the police board? A. To the police board; how do you mean; oh, as commissioners? Nothing, whatever; that power is lodged entirely in the hands of the mayor.

Q. I know the legal power is, but I ask you of the knowledge of this committee; you mean to say that this committee had no

knowledge whatever whether the mayor was going to reappoint Mr. McLean, or not? A. Not that I know of.

Q. If the committee had knowledge of it as a committee, you as member of it would likely have that knowledge? A. I would; yes, sir.

Q. You have no such knowledge? A. Not the slightest knowledge.

Q. And you state here, as member of that committee, as well as in your capacity as citizen and police commissioner, that you had no knowledge whatever of Mayor Gilroy's intention of appointing Mr. McLean as his own successor or not? A. No.

Q. You had your information solely from the newspapers? A. The newspapers were printing articles daily that it might be a Republican or a Democrat; they were quoting Republican and Democratic comments.

Q. Didn't you take an interest in the question whether it would be a Republican or a Democrat? A. No, not particularly, except that —

Q. Didn't you know that Inspector Williams was a candidate for that position? A. Yes; I knew it.

Q. And he told you so himself? A. Yes, sir.

Q. And he asked for your influence, didn't he? A. The inspector asked me if I had any information as to whether it would be a Democrat or a Republican; I told him I did not.

Q. And didn't the inspector ask you for your influence with the mayor, or with the political organization in which you were a prominent member, to secure his appointment as commissioner? A. He might have.

Q. Didn't he? A. I think he talked on that subject; yes.

Q. Do you remember one day he was in your office when Mr. Riley was there? A. I do not recall it; but it might have occurred.

Q. It is probable it did occur? A. Yes, sir.

Q. And do you remember that on that day, commissioner, that you requested Mr. Riley to see Mr. Platt, to use his influence that Mr. Williams should be selected as police commissioner? A. I do not recall it.

Q. Will you swear you did not send such a message by Mr. Riley? A. I do not recall such a thing.

Q. Will you swear you did not send a message by Mr. Riley to Mr. Platt asking for his influence, that it would please you?

A. I swear I did not send a message to Mr. Platt in any shape or manner, by any person on top of this earth.

Q. Wait until I get my question; will you swear that you did not state to Mr. Riley that he should see Mr. Platt or cause Mr. Platt to be seen, to convey to Mr. Platt your desire that you were in favor of Mr. Williams receiving the appointment — the Republican appointment of police commissioner? A. I never made any such request.

Q. Did you make any request in substance like that, in connection with Mr. Williams' appointment? A. No, sir; no request to any person to see Mr. Platt.

Q. Did you express any preference? A. I might have expressed a preference that if a Republican was appointed I would like to see Williams appointed; I said that to more than one.

Q. Well, that is fair, commissioner, that is fair; if a Republican was to be appointed you would like to see the inspector appointed as commissioner? A. Yes; because I believed he would make a very good commissioner; he is one of the best policemen in this country, and fair in every way.

Q. He will speak for himself when the time comes? A. I only speak of what I know of him.

Q. Are you prepared to state that such expressions of your preference and your desire were not influenced in some degree from the fact that his brother had moved at every resolution of the improvement commissioners in Long Island City that the contract be awarded to you or John O'Brien? A. No, sir.

Q. Wasn't there an element in that? A. Not the slightest; I don't care that much (snapping his finger) for his brother in Long Island City; he has not been that much worth to me.

Q. You simply based your preference on this officer's excellence as a police officer? A. Yes, sir; and what I know of him.

Q. And his history in connection with the police department of this city? A. It was entirely on that; yes, sir.

Q. And his connection with the police department of this city? A. I took the man as I found him for the last two years.

Q. You have only known him two years? A. Yes, sir.

Q. Did you ever hear that Inspector Williams had become wealthy on the salary of a police captain? A. I have read it in the newspapers; yes, sir.

Q. You have heard it over and over again? A. I can not tell you how true it is.

Q. You have heard it stated over and over again? A. I read it in the newspapers.

Q. You also heard it frequently stated that Mr. Williams, at very frequent occasions during his career upon the police force of this city, had been guilty of great acts of cruelty to citizens, by clubbing them? A. I may have heard that; yes, sir.

Q. Haven't you heard him called and known him to be called "Clubber" Williams? A. I probably have heard that.

Q. Did you not hear, and did you not know, that the precinct known as the Tenderloin, over which he presided as commanding officer for so many years, was the most corrupt spot on Manhattan island during his captaincy? A. I have read that in the newspapers; I don't know whether it is true or not.

Q. Do you know that there were more houses of ill-fame and gambling-houses flourishing in this city? A. What is that?

Q. Don't you know, and didn't you hear, that in that precinct while he was captain of it, that there were more houses of ill-fame and gambling-houses flourishing than in any other precinct in the city? A. No, sir; I did not hear that.

Q. Didn't you know that he was, practically speaking, under charges at the time you expressed your preference for him as a police commissioner? A. No, sir.

Q. Don't you know that he had been tried by the police board, and that he had not been acquitted? A. I heard he had been tried.

Q. You heard he had been acquitted? A. No, sir.

Q. Did you know what the result of the trial was? A. I do not know as I did; I heard since that, by reading from the paper.

Q. Coming from this committee? A. Probably it was; that the vote stood two and two.

Q. Don't you know that this officer had been charged with acts of oppression and cruelty time and time again before the police commissioners, during his career as a police officer? A. No.

Q. Hadn't you heard that he had been charged before the police commissioners time and time again with failure to suppress nuisances in his precinct — the different precincts he commanded? A. Not that I know of; no, sir.

Q. Don't you know, and didn't you hear, that he had been charged as inspector of police with failure to suppress nuisances in his inspection districts; did you hear it and did

you know it? A. I did know one occasion when he was put on trial before the commissioners while I was commissioner, and he was acquitted on that trial.

Q. Wait a while; and you, with all this knowledge within you, and at your disposal as a police commissioner, and the means of obtaining information touching the record of this policeman, you expressed your preference for such a man to be made police commissioner in the name of the Republican party of this city? A. I did.

Q. And that is your ideal of a police commissioner? A. The Republican party has looked up to him for a great many years as an ideal policeman.

Q. That was your ideal of a police commissioner? A. I don't know that it was my ideal.

Q. You expressed your preference, if a Republican was selected? A. I expressed my preference.

Q. And he was your ideal as police commissioner? A. I don't say that.

Q. He was your preference? A. Yes; I will correct that; I want to correct that; I would not say he was my preference; but I would like to have seen him appointed as between him and other Republicans.

Q. You have already said he was your preference? A. I would like it changed; I would like to see him appointed, but if I had the preference I would prefer some other person, perhaps.

Q. I am not asking that now; we don't deal in perhapes and suppositions at all; we are dealing with a concrete fact? A. He was not my preference.

Q. You stated — A. I said I would like to see him appointed; he was not my preference.

Q. Go on and correct; do you wish us to understand that Mr. Williams was your standard, or possessed or reached your standard of qualifications for the important position of police commissioner of this city? A. I wish you to understand that I stated that I would like to see him appointed police commissioner; that I would be pleased with it, if it went to a Republican, of course.

Q. Of course you are equally emphatic in saying that your Long Island contracts had nothing whatever to do with your expressions of preference or desire? A. Not the slightest; I would feel the same toward him if I never had a contract there.



Q. That was never in your mind at all? A. Never in my mind.

Q. Now you spoke yesterday, commissioner, about your first entry here into New York politics, and into New York life; you told me that you took up quarters in a boarding-house in West Twenty-third street, and could not remember the name; has your memory been refreshed? A. I said I lived in the St. Clair House for a year or so.

Q. Have you left the St. Clair House?

Chairman Lexow.—If you are going into a new line of inquiry I received a telephone message from headquarters, to the effect that an important meeting of the commissioners had been called for 1 o'clock, and requesting that Mr. Sheehan be permitted to attend that meeting.

Mr. Goff.—All right, sir.

Chairman Lexow.—Shall we adjourn from now until 2 o'clock?

Mr. Goff.—Yes; if he can get down then.

The Witness.—I don't know what is to be done there.

Mr. Goff.—Half-past 2.

Chairman Lexow.—All witnesses under subpoena will attend here again at half-past 2 o'clock. The committee stands adjourned until that time.

## AFTERNOON SESSION.

October 26, 1894.

Present.—The Senators and counsel as before.

John C. Sheehan took the stand and examination continued:

Chairman Lexow.—The Lieutenant-Governor and the presiding officer of the Senate is present with us to-day and has requested to be informed as to whether or not his presence here was agreeable. We would request the Lieutenant-Governor and extend to him the courtesy of the bench here, requesting him to sit with the committee on the bench.

Lieutenant-Governor Sheehan.—Mr. Chairman, I assure you and the committee that I deeply appreciate your courtesy extended in such generous terms, but I much prefer, with the consent of the committee, to remain in the quiet seat that I have been occupying all the morning.

Chairman Lexow.—We would prefer, Governor Sheehan, if you would take a seat upon the bench here. We wanted to relieve you, among other things, of the suspicion that was con-

veyed by a question to the present witness as to whether or not he was looking to you for a suggestion, in the course of his testimony; and in order to relieve you of any such imputation we extend to you our hearty wishes and hope that you will accept our invitation.

Lieutenant-Governor Sheehan.—I thank you, Mr. Chairman. My best friends have never complimented me to the extent of saying that I was competent to fill a judicial position or to occupy a seat upon the bench. I much prefer to remain in the background where, if necessity requires it, I may, with the consent of this committee, say on behalf of the witness what he may not be permitted to say himself. I do not assume, however, that any such occasion will arise.

Mr. Goff.—I have been requested, Mr. Chairman and gentlemen, by Mr. Louis J. Grant, a member of New York bar, to appear as counsel for Mr. Sheehan, the witness now upon the stand. Mr. Grant also assured me that it was in no spirit of hostility to the committee, but simply to stand by and watch the interests of his client in this examination and that it was for no purpose whatever of hindering or embarrassing the examination. I assured Mr. Grant that while we would be delighted to have him under other circumstances, yet that the committee had made a rule, heretofore adhered to on several occasions of not permitting special counsel to appear for witnesses as they ascended the witness stand and that while I felt that the committee would appreciate his courtesy and declaration, etc., yet I felt that a departure could not be had from that rule at the present time. I further assured Mr. Grant, what Mr. Sheehan now upon the witness stand has already been assured by this committee and by myself, that whatever explanation he deems proper or necessary to make to any answers which he may give or which he has given during this examination, the opportunity shall be accorded to him to the fullest extent, but at the proper time, and that he shall not leave this stand, so far as the committee is concerned and so far as I am concerned, without full and ample opportunity to make explanation to any answer that he may have given during the course of the examination.

By Mr. Goff:

Q. How many times, Mr. Sheehan, did you meet the commissioners of improvements of Long Island City in this city while

your bids were being considered? A. While what bids were being considered?

Q. What? A. What bids.

Q. Your bids as a contractor — all of them? A. I never met them in this city, not to exceed once or twice, and then that was casual.

Q. Just wait a moment; you have met them once or twice? A. Once or twice.

Q. Where; at the Morton House? A. No, sir.

Q. Did you ever meet them at the Morton House? A. Never.

Q. Where did you meet them? A. I believe the first contract that I secured in Long Island City — no, the second contract it was, if I am not mistaken — the commissioner of public works and the corporation counsel brought — one of my bondsmen had qualified and it was impossible for the other one to get over on the day specified for the execution of the bond and the contract, and the corporation counsel volunteered to bring it over with him that night, and that night they brought the contract to the Gilsey House and it was there executed by the other bondsman; I think it was the commissioner of public works and the corporation counsel that appeared there with the contracts.

Q. Did you ever meet any of the commissioners of improvements of Long Island City at any time in the Morton House in this city? A. Never.

Q. Did you ever meet Mayor Sandford? A. No, sir.

Q. At the Morton House? A. No, sir.

Q. Did your partner? A. Not that I know of.

Q. Are you able to swear whether or not your partner ever met Mayor Sandford or any of the commissioners of improvements of Long Island City at the Morton House? A. I think I could safely swear so, but I don't know of my own knowledge.

Q. Of course, I am asking you if it is within your knowledge? A. No, sir; I never heard of it.

Q. And that knowledge includes anything that was said to you by your partner or any person representing him? A. Yes, sir.

Q. Did you ever hear of a meeting being had at the Morton House? A. No.

Q. Between your partner or any person representing your firm? A. I never did.

Q. Either collectively or individually? A. No, sir.

Q. Did you ever meet Mayor Sandford or any official of the Long Island City municipal government in any place in this city, except the occasion you have referred to? A. Oh, I meet Mayor Sandford very frequently.

Q. The mayor is quite a good social fellow, isn't he? A. I don't know how very good he is in that respect.

Q. Well, he is social? A. Yes; I presume he is.

Q. And it has frequently occurred that when you have met the mayor and other officials of Long Island City in this city that the social glass goes round? A. I didn't say so.

Q. Is it not a fact? A. It is not a fact.

Q. Did you ever drink wine with them, or any other kind of beverage? A. I have had a drink with Mayor Sandford; I don't know what I drank.

Q. Did you drink with Commissioner Sharkey? A. Yes; I did.

Q. You know where Thomas Sullivan's saloon is in Twenty-third street? A. Yes, sir.

Q. Did you ever meet Sharkey there? A. I did.

Q. More than once? A. I think I met him; I know I met him there once.

Q. Didn't you meet him there frequently? A. I never did.

Q. Meet him there by appointment? A. No, sir.

Q. How did you come to meet him? A. I dropped in that place one evening on the way home, and in there was Commissioner Sharkey and two or three others from Long Island City.

Q. Where did you meet Mayor Sandford? A. I met him in there once or twice.

Q. Was he in there with Sharkey? A. On this occasion — I am not sure; I dropped in there and they were drinking, and I took a drink with them and went home; left them there.

Q. Did you ever hear that those officials were arrested in this city at one time? A. No, sir.

Q. Did you ever have knowledge that they were arraigned in a police court in this city? A. I never have.

Q. Under the name of John Doe and Richard Roe? A. Never knew of it.

Q. Never heard of it? A. No, sir.

Q. Did you ever interest yourself in any way to obtain the discharge of any person, a resident of Long Island City, on an arrest in this city? A. I never did; never was asked to do so.

Q. What? A. Never was asked to do such a thing.

Q. You reiterate, do you, so that I will understand you, commissioner, that you never met the commissioners of improvements of Long Island City together in this city? A. As I said, I met Commissioner Sharkey and the corporation counsel on the occasion when they brought the bond over, and I am not sure whether Claven was with them or not.

Q. Will you swear that you never met any official or representative of an official of Long Island City in the Morton House in this city? A. I do swear so.

Q. Was there ever any conversation between you and a Long Island City official as to enabling legislation touching the powers of the commissioners of improvements in Long Island City? A. I don't think so.

Q. Will you say there was not? A. Let me see; there was some talk; what was that about; there was some bill pending in the Legislature; I don't know whether it was last winter or the winter before; I believe it was last winter —

Q. Yes? A. With reference to the water board.

Q. Of Long Island City? A. Somebody spoke to me about it; I don't know who it was.

Q. Who was it spoke to you? A. I don't know who it was.

Q. Can you not recollect? A. Oh, it was Mr. O'Brien.

Q. Mr. O'Brien, your partner? A. Mr. O'Brien on one occasion told me that there was some bill pending in Albany that those people were interested in, or people in Long Island City had some interest in; he wanted to know if I had heard anything about it, and I told him I had not.

Q. Is that all you heard? A. That is all.

Q. Is that all that you expressed about that bill? A. About all.

Q. Didn't you inquire any further from your partner, you being interested in Long Island City affairs, more than that? A. I did not.

Q. Did you ask your partner why it was that he mentioned it to you, or did you inquire any further as the details of the bill? A. No.

Q. Were you not made aware of the fact that they sought additional powers from the Legislature? A. I was not.

Q. Are you prepared to swear that there was anything ever said to you toward influencing legislation in Albany for the

benefit of the Long Island City municipal government? A. Not to me.

Q. Did you hear it said to anybody else? A. Not that I know.

Q. What? A. No.

Q. To your partner? A. I didn't hear it said to him.

Q. To your partner? A. Did I hear it said to him?

Q. Yes? A. How could I if I was not there.

Q. I am not asking you how; did you? A. I told you I didn't.

Q. Did you or your partner, or either of you, take any action whatever in connection with helping along the legislation pending at Albany? A. I did nothing about it.

Q. Did your partner? A. I don't know what he did; I don't think he did.

Q. Was it a question of consideration between you that it would be a good thing for your interests that this legislation could pass? A. No, sir.

Q. What? A. No, sir.

Q. Was there any conversation had other than you have testified about? A. That is all I recall, there was some conversation of that kind.

Q. Give it to us now? A. I don't think it was ever referred to again.

Q. When was that? A. I cannot recall it.

Q. Was it after your contracts were accepted? A. I believe it was; I think it must have been last winter.

Q. Did you ever see your brother, the Lieutenant-Governor of this State, in reference to legislation for Long Island City? A. I never did.

Q. Did you ever send anyone? A. I never did.

Q. Did you ever request anyone to see him? A. Not that I know of.

Q. Don't you think you would remember it if you did? A. If I ever requested anybody to see him about legislation?

Q. Yes? A. I say, no, sir.

Q. You said you didn't remember; you are definite now, are you? A. I am, certainly.

Q. Did any conversation ever pass between you and your brother touching legislation for Long Island City? A. No, sir.

Q. You swear to that positively? A. I do; I swear; on one occasion I went into my brother's room in the Hoffman House and some parties were talking about the Steinway Railway Company; whether they were seeking to get aid in Albany or not, I do not know; I stepped in and went out again.

Q. I don't consider that as having any bearing upon the question I asked, Mr. Sheehan; what I want to know is, did any conversation ever pass between yourself and your brother or any correspondence ever pass between yourself and your brother, touching legislation for Long Island City? A. No.

Q. Or between yourself and your brother through a third person? A. No.

Q. You are clear about that? A. Clear about it.

Q. Or between yourself and your brother through your partner or a third person? A. I don't know what my partner did; I don't think he ever had any communication with him on the subject.!

Q. Was it not brought to your notice that it was to the interest of your firm of John C. Sheehan & Co. that this legislation should be enacted? A. No, sir; it was not, and no such thing was ever brought to my notice by any living person.

Q. But you said a moment ago that Mr. O'Brien said that the Long Island City people were interested in that water bill? A. It was of no benefit to us, and we were never led to believe that it was of any benefit to us.

Q. You were contractors doing a large amount of work at that time? A. Yes, sir.

Q. Are you in any way interested in the lumber company that is furnishing the lumber for staying or shoring up the cuts there? A. No, sir.

Q. Do you know who is? A. I don't know what the lumber company is.

Q. Don't you know that lumber is furnished for that purpose? A. Yes; but I don't know by whom.

Q. Your cuts reach there in some places 30 feet in depth? A. Yes, sir.

Q. They have to be shored up? A. Yes, sir.

Q. Do you know what lumber company is furnishing the lumber? A. I don't know.

Q. Do you know that Commissioner Williams of the board is in the lumber business? A. I don't know that.

Q. Is this the first time you ever heard it? A. The first time I ever heard it.

Q. Are you in partnership yet with Mr. O'Brien? A. Yes, sir.

Q. In anything else besides the contracts? A. That is all; what was that question?

Q. In anything else besides the contracts in Long Island City?  
A. Oh, yes; we have other work.

Q. What other work have you? A. We are doing a little piece of work now up in the State of Maine.

Q. Of what nature, commissioner? A. Building a sewer there.

Q. Building a sewer in what town or city? A. I can not recall the place now; I didn't have much to do with it; Mr. O'Brien sent a man up to do the work.

Q. He attends to that business altogether? A. Yes, sir.

Q. We were speaking before recess, Mr. Commissioner, of your first visit to New York; that is, your first visit with the idea of taking up your permanent residence here; when the chairman of the committee suggested an adjournment; you were saying that you went to board in Twenty-third street; I was asking you what place did you go to board in? A. On Twenty-third street, near Eighth avenue.

Q. What was the name? A. I don't recall the name now.

Q. How long did you remain there? A. Oh, some time.

Q. Did you ever board in Twenty-seventh street? A. No.

Q. Between Seventh and Eighth avenues? A. No.

Q. Never boarded in Twenty-seventh street? A. Never.

Q. Can you tell me how long you remained in the boarding-house there? A. I can not.

Q. Well, you rented a front parlor there in Twenty-third street? A. Yes.

Q. Did you not? A. Yes; some time afterward.

Q. In this boarding-house? A. No.

Q. How long afterward? A. I lived in two houses on Twenty-third street.

Q. Yes? A. Or three houses, rather, on Twenty-third street.

Q. How long were you in the district there before you became leader of the Tammany organization in that district? A. Well, I don't know; probably two or three years, I think.

Q. You lived there? A. Yes; I am not sure of the time; it was in the neighborhood of that.

Q. Before you became leader? A. Yes; I think it was a couple of years.

Q. A gentleman by the name of Barker, ex-Alderman Barker, was leader before you were leader? A. Yes, sir.

Q. You succeeded Barker? A. Yes, sir.

Q. You and Barker were great friends? A. Well, we were friendly.



Q. Were you leader before you became police commissioner?  
A. Oh, yes.

Q. How long? A. It must have been two years.

Q. Did you remain friendly with Barker after you became the leader? A. Yes, sir.

Q. Friendly with him to-day? A. Well, I don't know what he would consider it; I haven't seen much of him in some time.

Q. I ask you whether you are on friendly relations with him to-day? A. Well, I don't know how he takes it; I haven't got anything to say to him; I haven't seen Mr. Barker—

Q. Will you give us your impression of your relations? A. I am willing to be on friendly relations with Barker.

Q. But the relations between you are somewhat strained? A. That is it.

Q. Were you ever in business with Barker? A. Never.

Q. Were you ever engaged with him in any enterprise whatever? A. Nothing whatever.

Q. Did you ever have an interest in any enterprise, you and Barker? A. Never.

Q. Now, you know that Barker ran a gambling-house there? A. I didn't know it.

Q. Did you ever hear it? A. I heard something about it; I didn't give it any credence though.

Q. When did you first hear it? A. I heard some fellows say it who were not friendly to Barker; I believe that was after I became a police commissioner.

Q. After you became a police commissioner? A. Yes, sir.

Q. And you were leader of the district at the time, of course, A. Yes, sir.

Q. Did you hear of the address of the alleged gambling place that Barker was interested in? A. Yes.

Q. Did you ever hear that you were an interested party in that gambling hell? A. I never heard it.

Q. Is this the first time you ever heard it? A. The first time I ever heard it; and no living man can say it unless he lies.

Q. Have you ever heard it said that you were interested in any gambling place in that district? A. I have never heard it.

Q. This is the first time? A. This is the first time, and whoever says it lies.

Q. The first time that it has ever been stated in your hearing?  
A. Ever been stated in my hearing.

Q. You were friendly with Barker at the time of your marriage? A. Yes, sir.

Q. What was the amount of the present he gave to your bride? A. I don't know as he gave—his daughters made a present of a chair, I believe, a chair that probably cost \$25 or \$30, something in that neighborhood.

Q. What was the amount of the money present that he gave to your bride? A. Not a penny.

Q. Did you ever hear that he was engaged in collecting money to make a wedding present? A. I never did.

Q. Is this the first you ever heard of it? A. I heard that the Pequod club were going to make a present, but not Mr. Barker; and I didn't know of that until I was notified of the fact that they were prepared to do it.

Q. Did you ever hear that Barker went around among the liquor dealers of your district collecting money to make a present to you or to your bride on the occasion of your wedding? A. I never heard it and he never did it.

Q. You swear now that no money ever left his hands or anybody else's hands as a present to yourself or your bride at the time of your marriage? A. I don't know where the Pequod club got their money from, but they probably got it from the treasurer of the club.

Q. There was a present made to your bride? A. There was; yes, sir.

Q. Three thousand five hundred dollars? A. I don't know what it was; it was a diamond necklace; I don't know what it cost.

Q. Don't you know there was a fund of \$3,500? A. I don't know anything of the kind.

Q. Well, you know there was a fund raised, was there not? A. I know nothing about it whatever, except that the present was made.

Q. You said something about a diamond necklace being given, and you certainly must know something about it? A. I know nothing about a fund being raised for that purpose.

Q. But you know the jewelers charge something for necklaces? A. I don't know anything about it.

Q. There must have been money raised to purchase that necklace, was there not? A. The Pequod club treasury is quite able to pay for it.

Q. No doubt; the Pequod club has quite a large source of revenue? A. The Pequod club has good and respectable members, as good as you are; they are all gentlemen and they levy revenue on nobody.

Q. Why, of course, Mr. Sheehan, you are president of it? A. I will answer no further questions on this line; I am here to answer questions on the subject of police corruption.

Q. Why do you say you will answer no further questions on this line? A. I am here to answer in regard to my connection with the police department; as to corruption, bribery and other matters in that department; that is what I came here for, and I am prepared to answer everything in connection with the police department as fairly as I can; I am as anxious to discover if there is corruption in that department as you are, and I have been trying to find it out for two years.

Q. Will you give us one case where you have tried to find it out? A. Oh, I have tried in a number of cases.

Q. Give us one case? A. I have heard—

Q. Give us one case where you tried? A. It was all hearsay.

Q. Give us one case where you tried to find out corruption in the police department? A. I do not propose to tell at this time.

Q. Why; are you ashamed? A. No.

Q. Are you afraid? A. No, sir.

Q. Will it defeat the ends of justice? A. No, sir.

Q. Then why do you hesitate to say, or give us a case where you tried to find out the police corruption? A. There is one case now that I am looking up.

Q. What is that case that you are looking up now? A. I do not propose to tell it now.

Q. How long have you been looking it up? A. I have been on that a week or so, two weeks probably.

Q. Will you give us a case where you tried to find out where police corruption was before you started in on this particular case? A. Two years ago I sent for men—

Q. Who did you send for? A. I don't recall now; I asked whether any money was paid for any purpose.

Q. What was the charge? A. I heard occasionally that money was paid for appointments, and I sent for certain men and asked if they knew anything about such a transaction.

Q. How did you hear that, commissioner? A. I don't know how I heard it; it reached me in some way.

Q. You simply turned upon this line of the examination?  
 A. On one occasion I got an anonymous letter calling attention to the fact that some person was appointed a policeman and that he had paid for it to some person.

Q. Now, commissioner, I am induced to go into this branch of the examination of you now by reason of your generous suggestion; I wish to follow it up so as to give you every opportunity on that that you yourself have invited? A. I am willing to tell all I know.

Q. You say you have tried to get at police corruption; I want one case during your term as police commissioner where you have tried to get at police corruption? A. There are a dozen cases.

Q. Name me one? A. I don't recall them now; everybody in the department knows that I was working at it.

Q. Are they so trivial in their nature, charges of corruption against a department of which you were the head, that you can not remember them? A. I don't recall them now.

Q. You don't recall them? A. No, sir.

Q. Did you ever institute an inquiry to ferret out alleged corruption in the police department? A. I have told you I have made inquiries repeatedly.

Q. Through what channels and by what means did you make inquiries? A. I had sent for the parties and charged them—

Q. What parties? A. Parties that I understood knew something about such matters.

Q. Who are they? A. I thought they knew something about it, and they said they knew nothing about it.

Q. Can't you tell us who the party was? A. I can not now.

Q. What was the specific act of corruption charged? A. In one case I remember, as I said, that I received an anonymous letter about the appointment of some police officer, and I paid no attention to it because I didn't know how to locate it; a short time afterward I received another note that was signed by some person, and after considerable work I succeeded in locating the person.

Q. Locating the officer or the writer of the letter? A. The man was not appointed at the time; I sent for him, and he located the writer of the letter.

Q. Did you send for the writer of the letter? A. No; the man was never appointed.

Q. Did you investigate any further? A. That was all.

Q. That was all? A. I saw that the man never got on the police force.

Q. Did that end your investigation upon that line? A. The man assured me; I took his affidavit, or rather, swore him, and he assured me that he never paid a penny to any person; that he didn't have a dollar to pay any person; and that this was an old grudge of this particular person who was trying to injure him.

Q. Is that affidavit on file? A. I took it for my own information.

Q. That was an official paper, wasn't it? A. No, sir.

Q. Your information was the information of the department, wasn't it? A. I didn't say that I took down the affidavit; I simply swore him and asked him certain questions, to make him understand he was on oath.

Q. You swore him at police headquarters? A. In my room.

Q. You administered an oath to him? A. Yes.

Q. What authority had you to administer an oath under those circumstances? A. Well, I took it upon myself that I had authority, in order to get at these facts.

Q. You knew, of course, that a man swearing falsely then could not commit perjury? A. I knew that I would be very apt to get him to tell the truth.

Q. You knew that oath had no binding force in law? A. I knew that.

Q. You went through the form of administering that which you knew had no binding force in law, in order to get at the truth? A. Certainly.

Q. And you asked a man that had every motive in the world to lie about it? A. I don't think the man lied about it.

Q. He had every motive to deny it, had he not? A. Certainly; to protect himself if he could.

Q. And you asked a witness that had every motive to deny it, and that could deny it safely, and you took no further steps; that is the fact? A. That is as far as I went with it.

Q. You say you saw that that man was not appointed? A. Yes, sir.

Q. When you administered the oath to him in the form of abjuration that you have spoken of, did you believe him? A. I did surely believe him.

Q. You believed him? A. Yes, sir.

Q. And he was in every way competent for a position on the police force? A. I don't think he was.

Q. Where lay his incompetency? A. He didn't talk to me like a man that was intelligent enough to be a police officer.

Q. Then you judged him by his conversation? A. Yes; and his general make-up.

Q. And you declined to allow him to become a member on that ground solely; he had passed the civil service commission? A. I didn't think he would make a good policeman.

Q. He had passed the civil service commission? A. Yes.

Q. And notwithstanding the certification of the civil service commission as to his qualifications you, from this informal conversation with him, decided that he would not make a good policeman? A. I did.

Q. Is there any other case, commissioner? A. Oh, there are a number of cases; I can not recall them now.

Q. Now, it is a very important thing to this investigating committee and to the people of the city to-day to know just exactly what the heads of the police department have done, if anything, toward ferreting out the corruption that is alleged to have existed in that department; can you tell us anything further that you have done? A. Yes; I remember another case now where an officer was certified to the board, on the civil service list, and I believe Commissioner MacLean moved his appointment in the board, and the motion was brought before the board; and after leaving I asked Commissioner MacLean what he knew about him; I said that I had heard something that was not proper with respect to him, that he had used money, or money had been used for him; Commissioner MacLean at once cancelled everything that had been done with reference to it; and I investigated it, investigated it thoroughly, and I believed that I had done the man a wrong and an injustice, and that nothing of the kind had been done by him; and to make good the wrong that I considered I had done him, I afterward moved his appointment; before doing so I questioned him very thoroughly in the presence of two of his friends who came down with him, two very prominent business men who vouched for him; and he said that in no way, shape or manner had he paid any money to any person; the next day I discovered, and I got it from an authoritative source, that his father had paid money

to some person a year or two prior to this time, and I went into the board meeting that afternoon and moved the revocation of that appointment.

Q. By the way, before I forget it, you said a moment ago that the Pequod club contained nothing but gentlemen as good as myself? A. I said so.

Q. And yourself? A. Yes, sir.

Q. And you put in that category Warren Lewis, the famous divekeeper on Sixth avenue; he is a member of the club? A. I don't know that he is.

Q. He is on record—? A. He was at one time.

Q. He has sworn; and alderman Parks, the notorious gambler, he is a member of the club? A. He is not.

Q. When did he cease to be a member of the club? A. About a year ago.

Q. He was a member? A. He was.

Q. One of the charter members? A. Yes, sir.

Q. And Eugene Reilly, the keeper of a dive on Eighth avenue known as The Abbey, is another member of the club? A. Mr. Reilly does not keep a dive.

Q. Do you mean to say The Abbey is not a dive? A. I do.

Q. Of course, you frequent it? A. I do not.

Q. How about Hermann, who keeps the concert hall where the girls in short skirts ambulate nightly; is he a member of the club? A. He is.

Q. And that is one of the places you frequent nightly? A. He is a very decent German citizen, is Mr. Hermann.

Q. Where is Eugene Reilly, or his brother, an officer of the Superior court, who keeps that dive on Eighth avenue? A. I don't know of any dive on Eighth avenue.

Q. The Abbey? A. I don't know of any dive named The Abbey.

Q. Do you know The Abbey? A. I do.

Q. Do you know of any gambling place kept there by Reilly? A. I do not.

Q. Haven't you heard that your former fellow member, Alderman Parks, lost money there? A. I have not.

Q. Where did he lose the money? A. I heard he lost it on some place on Eighth avenue; not Reilly's.

Q. Where was that; wasn't it next door to Reilly's? A. No, sir.

Q. You, as a police commissioner, hearing that a man occupying the dignified position of a city father had been cheated out of \$3,000 in a gambling place in your district, did you do anything to find that out? A. I sent for him and talked with him.

Q. Did you do anything except send for him and talk with him? A. That is all I did.

Q. And you a police commissioner of this city? A. And from that day Mr. Parks and I seemed to draw apart and have had nothing to do with each other ever since.

Q. You talked to him; you reminded him of his duty to silence on that question, did you not? A. I told him he did wrong to—

Q. To squeal about it? A. No; I told him he had done wrong to go in to or mix with such company.

Q. You gave him fatherly advice? A. This was not a gambling-house; it was where a party sat down to play poker.

Q. Don't you know that the Pequod Club is a gambling-house? A. I don't know anything of the kind.

Q. Did you ever hear that gambling takes place in it? A. I read that in newspapers.

Q. Did you ever take the pains to investigate it? A. I have been there nightly, and I have seen no gambling.

Q. Where so many policemen belong to the Pequod Club there ought not to be gambling? A. There is not.

Q. There are policemen there nightly? A. No, sir.

Q. A great many of them belong to the club? A. They are not there nightly and we seldom see a policeman in that club.

Q. Will you please tell us any other case wherein you tried to find out corruption in the police department? A. I have always been looking for it, but I couldn't get any positive information on that subject.

Q. Did you ever institute a formal inquiry? A. It wouldn't do any good; we didn't have the power of this committee; if we had such power as you have to grant immunity to witnesses, we would have gone up higher than you and found it out before this time.

Q. Is there anybody higher than you? A. There are people that are as high as I am that have been on that board; you want to understand that the party you associate with have run that board for years.

Q. What party? A. The Republican party.



Q. Well, that is news to me, commissioner; so we learn as we go by the way? A. We learn all the time.

Q. Well, anything further to say upon that subject, commissioner? A. I have simply to say this; that if we had the same power this committee has got we would not have been all this time discovering the corruption you are looking for; we would have found it long ago.

Q. Well, the law gives you authority to issue subpoenas and compel the attendance of witnesses? A. It does not give us power to grant immunity to witnesses.

Q. The law gives you the power to issue subpoenas and compel the attendance of witnesses? A. On the trials of delinquent officers.

Q. It gives you power in general terms; the Consolidation Act and your rule, which is a reiteration of the Consolidation Act, gives you power to issue subpoenas and to compel the attendance of witnesses? A. On charges, of course.

Q. Will you point to one case where you have issued subpoenas upon the question of your hunt for corruption where the witness failed to attend? A. We have no power to issue a subpoena unless charges and specifications are made.

Q. What? A. When charges and specifications are made charging any officer with any wrongdoing, we can then issue subpoenas and require witnesses to appear before us.

Q. The board can compel the superintendent to formulate charges and specifications, can it not? A. Yes, sir.

Q. Even though the superintendent may not have personal knowledge of it? A. Certainly.

Q. Well, I will take for instance the case of the board directing Superintendent Byrnes to prefer charges against the police captains whose names were implicated in corrupt transactions by witnesses before this committee; there was a case where the board exercised its power? A. Yes, sir.

Q. And correctly? A. They had something to base charges upon; they had the evidence you brought out here.

Q. And so in your hunt for corruption the police board had to wait for this committee to come down from Albany and give them the material on which to base charges? A. But we didn't convict them on the evidence you brought out; we got additional and better evidence to back up what you had brought out.

Q. Then why didn't you initiate these proceedings before this committee commenced to investigate? A. We had not the facts before us to make the complaint; we were not going to start and make complaints against officers on information and belief without anybody to substantiate the charge.

Q. But is it not so that the police board had to wait for this committee to adduce some testimony or facts upon which the commissioners could formulate charges against members of the department? A. We did nothing until this committee met and brought out evidence—

Q. You had to wait for this committee; during your industrious and persevering hunt for corruption you were unable to discover any traces of corruption in the police department until the Lexow committee commenced to investigate; is that so? A. That was the first positive evidence we got of that fact.

By Chairman Lexow:

Q. Is it not a fact that until last April there were three Democratic police commissioners and one Republican only? A. No, sir.

Q. You swear to that positively? A. I do.

Q. You are a Democrat, are you not? A. I am.

Q. Mr. Martin is a Democrat, is he not? A. I meant to put in there, Tammany Hall Democrats.

Q. There were two Tammany Hall Democrats and one County Democrat? A. Yes.

Q. That made three Democrats, which ever way you class them? A. Yes.

Senator Cantor.—But they were hardly harmonious as Democrats. They were like the Milhollands and the other factions.

Mr. Goff.—We have tried in this inquiry, as far as we could, to not be guided in our actions by political divisions.

Witness.—That is proper.

Chairman Lexow.—My question originated simply from the fact that the commissioner had interpolated in his answer a statement with reference to the Republican party, in order to show the absolute falsity of that statement.

Witness.—I said years ago.

Senator Cantor.—There is no dispute about that, that the Republicans controlled the department for many years.

Chairman Lexow.—They never did.

Senator Cantor.—You are evidently not so familiar with the politics of New York as with the politics of Nyack.

Chairman Lexow.—I know that there never was a time when there were three Republicans in the police board in this city.

Senator Bradley.—I object to politics being injected into this investigation.

Mr. Goff.—We think the people are the best judges of these questions.

Senator Bradley.—And they can decide for themselves.

Senator Cantor.—Inasmuch as some question has been raised by the chairman of the committee, it might be advisable before we get through to put in the names of the commissioners for the past 10 or 15 years, and their politics, if any question be raised by the chairman on that point. Of course, you do not raise any question, Mr. Goff?

Mr. Goff.—Of course, not; and if the question be raised I would suggest that we go back to the good old days of the Tammany Republicans represented by Hank Smith in the police board. I think that would be a good convention.

Senator Cantor.—I quite agree with you.

Chairman Lexow.—Yes, Mr. Goff, and we might go back a little farther even, to the days of William M. Tweed.

Senator Cantor.—That is the same time.

Senator Bradley.—And in later days to Commissioner McClave.

Mr. Goff.—A man who has sworn that he always agreed with his Democratic colleagues.

Senator Bradley.—Yes; and requested all his friends to vote for Mayor Grant as mayor of the city of New York.

Senator Cantor.—Recommended by the business men and Republicans of the city of New York.

By Mr. Goff:

Q. Now, commissioner, we were pursuing our inquiry as to your efforts in discovering corruption in the police department; while it has taken turn, as I have said before, a little in advance of that line of testimony that I intended to follow, yet we might as well pursue that subject now; we were speaking of the efforts of the police commissioners and in the trials of police captains; let me call your attention, commissioner, to the

charges preferred by a witness named Katie Schubert; do you remember that name? A. Yes.

Q. Katie Schubert's testimony before this committee implicated three police captains; do you remember that? A. I do.

Q. She made direct charges? A. Yes, sir.

Q. Of having paid each police captain? A. Yes, sir.

Q. And those police captains' names were Devery, Cross and McLaughlin? A. Yes, sir.

Q. You remember that? A. I do.

Q. Now, are you not aware of the fact that the counsel that acted for the police commissioners in the trials that took place at police headquarters formulated the charges from the testimony taken before this committee; there may have been additional testimony brought before you at your hearing? A. Yes; it was founded on the charges brought out here.

Q. They were formulated? A. Yes, sir.

Q. You recognize the fact that inasmuch as Katie Schubert charged three captains directly—? A. Yes, sir.

Q.—paying each of them \$500; and if charges were formulated against only two, was it not fair that the charges should have been formulated against the third? A. Yes, sir; and I moved in the board that charges be made against Inspector McLaughlin on the same evidence on which charges were made against the two other officers, and I was voted down, the two Republican commissioners voting against me.

Q. I want to give you every opportunity to place yourself right on the record? A. They said so because they were advised by the superintendent and by the counsel to the commissioners that they didn't have sufficient evidence to warrant putting Captain McLaughlin on trial at that time, but that they expected later to get corroborative evidence in order that they might put him on trial; notwithstanding that fact, I moved that they be put on trial.

Q. I remember that you did; that is the reason I want to give you an opportunity to place yourself on record in a proper manner; so far as we are concerned here, we thought your attitude and position on that question was unquestionably correct; now you know at the time the charges were formulated against these captains that the only evidence in the possession of the prosecution was the evidence given before this committee? A. As a foundation, yes, sir.

Q. Why didn't you inquire at that time why the prosecuting counsel didn't at the time he formulated the charges against Cross and Devery formulate the charges also against McLaughlin, because the evidence against one was just as strong as against the other? A. I did do so, sir.

Q. Did you move for the counsel to explain why it was that he didn't so formulate the charges? A. I moved in the open board that charges be preferred against him on the very evidence that had been brought out and on which Devery and Cross were put on trial, and the answer that I got in the voting down of my resolution was that they had been advised by the counsel to the board that it was improper to put him on trial at this time; I afterward saw Mr. Wellman; I spoke to him about it, and he advised and talked with me and said it would be wrong to attempt it at that time, and that it would be better to stir it up and give him an opportunity to get additional evidence; notwithstanding that fact I kept at it and the captain was not put on trial.

Q. Have you done anything further in pursuance of your original declaration? A. Have I done anything further?

Q. Yes? A. Yes; I have referred to the matter a number of times since.

Q. In the board? A. Yes.

Q. With what result? A. I never formally moved that a complaint be made, but I called attention to the fact that we had made a mistake in not ordering the captain on trial, and especially after the time or at the time that Mrs. Schubert went to Europe, I then said I was satisfied my position was correct, and that we ought to have gotten her evidence before she went away, that Captain McLaughlin ought to have been put on trial with the rest; I didn't assume that either of them was guilty until proven so, but I thought he ought to be in the same boat with the other two.

By Senator Bradley:

Q. Is this not Inspector McLaughlin? A. Yes, sir.

Senator Bradley.—You are using the word captain all the time.

Mr. Goff.—Well, the charges were preferred against him as captain.

Senator Bradley.—But he is now inspector.

Mr. Goff.—Yes, sir.

Witness.—He was captain at the time of the charges referred to.

Mr. Goff.—He was captain at the time the money was alleged to be paid.

By Mr. Goff:

Q. Well, you remember the rather dramatic departure of Kaue Schubert for Europe? A. Yes, sir.

Q. And the efforts of the inspector to prevent her departure? A. Yes, sir; I was very much amused at the efforts.

Q. You remember how the inspector in his verdancy and simplicity was imposed upon by the difference in the names Normandy and Normania? A. I so read it in the newspapers.

Q. Did you ever call upon the inspector to explain his inability to understand these foreign appellations? A. No, I didn't.

Q. But you saw it as a matter of public record that he lost 10 minutes in failing to understand the difference in the two names? A. He went to the wrong pier.

Q. Did it ever occur to you that the head of the detective bureau of New York, a great and powerful instrument of the police department of New York, who would go to the wrong pier to catch a woman that he should have caught days and weeks before, was a proper and competent person to be in charge of such a great responsibility? A. I didn't think the detective bureau was properly managed on that occasion or the woman wouldn't have gotten away.

Q. Do you know if any attempt has been made by the detective department of New York to get that woman since? A. No, sir; the commissioners know very little about the detective bureau.

Q. How is that? A. I don't know how it is, but we can never get any information about it.

Q. But it is a branch of your department? A. Yes, sir.

Q. Subordinate to you? A. Yes, sir.

Q. Will you give us some incident of where your efforts to get information have been foiled? A. Oh, if we asked for specific information we might get it, but there is no general information lodged with the board about what the detective bureau is doing.

Q. Then on that statement have we a right to assume that the detective bureau goes along independently of the commissioners? A. The detective bureau is under the head of the detective bureau, and, of course, is working in harmony with the superintendent of police, who is the executive officer of the police department, and goes along and performs his duties without regard to the commissioners.

Q. Do you mean to say that the superintendent goes along and performs his duties without the sanction of the commissioners? A. His duties are fixed by law.

Q. And the commissioners' duties are fixed by law? A. Yes, sir.

Q. And the commissioners are the superiors of the superintendent? A. Yes, sir.

Q. Have the commissioners the power to restrict the superintendent? A. Not where the law gives the power to him and they never have attempted to do it.

Q. Suppose the superintendent has been remiss in his duties, have the commissioners the power to call him to account? A. I believe they have.

Q. Have the commissioners ever considered that the superintendent has been remiss in his duties? A. Well, they have never called his attention to it while I have been there.

Q. Have they considered that he has been remiss, even although they didn't call his attention to it? A. There has been no discussion of that kind.

Q. Has there ever a question come up in the police board where Superintendent Byrnes was charged with neglect of duty? A. No, sir.

Q. Therefore you have no charge of neglect of duty to lay at his door? A. No, sir.

Q. He has performed all the duties required of him by law as the executive head of that department? A. So far as I know.

Q. In case of conflict arising between you touching the enforcement of the laws, wherein lies the power of determination? A. Well, I presume that if the law fixes the duties of the superintendent and prescribes what he shall do, that no act of the police board could or would hamper him in the discharge of those duties.

**Q.** To return to the question, commissioner, as to your hunt for police corruption; can you give us any more specific instances? **A.** I can not recall them now, Mr. Goff.

**Q.** Let us see; for instance, in the New York Sun of Sunday, December 17, 1893, there appeared a memorable interview of Mr. Richard Croker; do you remember that? **A.** What was it?

**Q.** December 17, 1893. **A.** What was the interview on?

**Q.** I beg pardon? **A.** What was it about?

**Q.** About a great many things which it is not material for us to inquire into here; I will call your attention to a specific thing. **A.** I don't remember it.

**Q.** You keep a scrap-book? **A.** Yes, sir.

**Q.** Of police clippings? **A.** Yes, sir.

**Q.** Or clippings affecting the police department and yourself? **A.** Not myself; but concerning the police department.

**Q.** And clippings where your name appears? **A.** As a commissioner; not all of them, those that are material; in fact, I don't know; I presume my clerk keeps it; I have seen it; I don't know how much he keeps or how much he doesn't keep.

**Q.** This interview created considerable interest at the time, and it is headed, "Croker Talks Straight Out," with a great many sub-headings; do you remember that interview? **A.** I can not say that I do until I see what it contains.

**Q.** The sub-heading is, "Plain Answer and a Challenge to Assaultants of Tammany;" does that refresh your recollection? **A.** No, sir; I prefer to read it before I am sure of it.

**Q.** It is quite long; I have it here in type-written form that I can read better; I read, commissioner—interlocuter speaking for the newspaper, said, "They say you closed the pool-rooms;" Mr. Croker answered, "I did; that is, I advised our representatives in Albany to pass a law that would close them; what of it; wasn't it a good thing to do; why before it was done the papers were full of charges against us for letting them stay open; now they pitch into us for closing them; it looks to me like a case of damned if you do and damned if you don't; the fact is, that the pool-rooms got to be a nuisance and a disgrace to the city; nine-tenths of those who bet in pool-rooms were clerks and boys who could drop into a pool-room across the street and lose their money;" do you remember that? **A.** I probably read that.

**Q.** Now, Mr. Croker was a man in this city that by common consent and concurrence, was qualified to speak on the subject which he speaks of here? **A.** I presume he was.



Q. And when he says, "The fact is that the pool-rooms got to be a nuisance and a disgrace to the city;" did he say what was true or false? A. I think he stated that which is true.

Q. Mr. Croker was then a citizen not occupying any official position? A. Yes.

Q. Was that the first information that you had that the pool-rooms of New York had come to be a nuisance and a disgrace to the city? A. Oh, I heard a great deal of talk about pool-rooms.

Q. Did you ever hear it on as high an authority as Mr. Croker? A. No, sir; what is the date of that interview?

Q. December 17, 1893, last December; now here is a private citizen, that you recognize as an authority to speak, and he speaks for a great political party in this city, and he says that the pool-rooms were a nuisance and a disgrace; was that information for the police board? A. I don't know who it was for.

Q. I am asking you, did he inform the police board of something they were not aware of before? A. The pool-rooms had been closed up a year prior to that interview.

Q. He is speaking of when they were closed up? A. Does he fix the date?

Q. Well, I can fix the date, and it was not a year before that? A. Well, it was some time.

Q. The pool-rooms were closed in New York at the opening of the racing season in that year; that was the latter end of April, 1893? A. That might be right; I am not admitting it because I don't know; I am taking your word for it.

Q. I think you will find that to be the fact, because this interview speaks of it, and we will see if your own language will not endorse that; if the pool-rooms of New York were a nuisance and a disgrace to this city so that they merited the severe condemnation of Richard Croker, was that a fact known to the police commissioners or not? A. I don't believe it was; I didn't know it; I heard a great deal of talk about pool-rooms.

Q. Now Richard Croker, as a private citizen of this city, gave you, a police commissioner, information of an institution that was a disgrace to this city, is that the truth? A. I don't think that he gave me any information; he didn't say so.

Q. You say it was not known to the police commissioners? A. That they were a nuisance?

Q. A nuisance and a disgrace? A. No.

Q. It was not known? A. I knew that there was such places running, and I didn't think they were proper places.

Q. What peculiar opportunities did Mr. Croker have for recognizing the nuisance and disgrace over and above what you as a police commissioner had, or your brother commissioners? A. I can not tell you.

Chairman Lexow.—Why, the commissioner has stated that he knew they were running.

Witness.—I had heard that they were running, and had been running for a great many years. I knew from information.

Q. Who closed up the pool-rooms at that time? A. I presume the police department.

Q. Did the police department make any order? A. Not that I know of.

Q. Was it Richard Croker who closed up the pool-rooms or the police department? A. Superintendent Byrnes closed them.

Q. Under the direction of the police commissioners or under the direction of Mr. Croker? A. I believe he was told that it would be wise and well to do so, that it was the wish of the commissioners that those places should be closed up.

Q. Who told Superintendent Byrnes that? A. I am not sure, but I think the superintendent of the board.

Q. Were you present? A. I was not.

Q. Was there any formal order made? A. To him?

Q. Yes? A. Not that I know of.

Q. Was it the subject for the consideration of the board? A. If the superintendent was spoken to on the subject it was probably through the president of the board.

Q. But have you not got some recollection whether or no that subject was considered by the board as such? A. Not considered by the board.

Q. Then if anything was done it was done in a private way between the president of the commission and the superintendent? A. Yes, sir; Commissioner Martin and myself coincided in that view, that it would be a good thing to close them up.

Q. What particular circumstance arose at that particular time to cause you to think that it would be a good time to close them up? A. I don't know.

Q. Why did you limit your statement to Commissioner Martin and yourself? A. I believe it was the judgment of all the commissioners.

By Mr. Goff:

Q. Why didn't you mention the other commissioners? A. I was not present when they talked of it.

Q. Do you know whether the board talked of it at all? A. I don't know that they did.

Q. Then it must have been an individual talk on the part of the commissioners? A. They might have talked—

Q. Did you do anything in the matter? A. There was no occasion for it.

Q. Did you do anything in the matter? A. Why, the superintendent closed them up.

Q. Did you do anything in the matter? A. In what way?

Q. In any way? A. I coincided with the opinion of my associate.

Q. Now, why did you coincide? A. That it would be a wise thing to close those places up.

Q. Where was the coincidence; where did it take place? A. In Martin's room, I think; I am not sure.

Q. Have you any clear recollection about it? A. I know we talked in his room about it.

Q. You are positive about that? A. Yes.

Q. Only you and Commissioner Martin? A. Yes, sir.

Q. Where were the other two commissioners, MacLean and McClave? A. I don't know.

Q. Were not they taken into the consultation then? A. They were probably not there at the time.

Q. Was it a board meeting? A. No, sir.

Q. Then it was a very important thing if these pool-rooms had been running for years that you and Mr. Martin could talk about them without the knowledge of your brother commissioners? A. Well, it was this way; I was in his private room and he brought the subject up and wanted to know what I thought about it.

Q. How did he bring it up? A. I don't remember.

Q. What did he say? A. I can not tell you.

Q. What did you say? A. I agreed with the position that he took.

Q. What was the position that he took? A. That the superintendent ought to be directed to close these places up.

Q. Was there a regular formal order made? A. Not that I know of.

Q. Was there any question as to why they had not been closed up before; you have testified that they were running for years, so you heard? A. Yes.

Q. Was there any action taken to inquire of the superintendent why they had not been closed up before? A. Not that I know of.

Q. Why wasn't that done? A. I can not tell you.

Q. Wasn't the superintendent remiss in his duties in not closing them up before? A. He might be so considered.

By Chairman Lexow:

Q. And why didn't you and your fellow commissioners consider it necessary to come together and consider this matter before? A. Well, we never considered it.

Q. If you know for so long a time that these pool-rooms were a disgrace to this city—? A. I didn't say so.

Q. That you knew then that these pool-rooms were running in violation of law? A. I didn't say that I knew it.

Q. That you had heard of it? A. Yes, sir.

Q. You knew just as much before as you did on the day when you and Commissioner Martin met? A. Yes, sir.

Q. Then how is it that you didn't before, during your police commissionership, come to the same conclusion, that it would be wise to tell Superintendent Byrnes to close up these pool-rooms? A. I don't know why.

Q. You have got no explanation for that? A. No.

By Mr. Goff:

Q. Do you remember if there was any special legislation—when I say special, I mean for the year 1893—passed in relation to the closing of the pool-rooms? A. What year?

Q. Eighteen hundred and ninety-three? A. There was bills; I don't know whether it was that year or the year before.

Chairman Lexow.—That was the Saxton bill.

Senator Cantor.—I think it was a bill introduced by Senator Saxton.

By Chairman Lexow:

Q. Don't you consider it your duty, as a police commissioner, if you know about a violation of law for any considerable length

of time to come to some action upon it? A. Those places were rather looked upon as not violating the law; they had been running a long time before I had become a commissioner.

Q. Wasn't it a rumor current throughout the community here that those pool-rooms were paying large sums of money for protection to be allowed to run? A. I heard that.

Q. And notwithstanding the fact that you knew or had heard that those pool-rooms were corrupting the police you thought it was not necessary to take any action upon it? A. I did start an inquiry to find out if those pool-rooms were paying, what they were paying, and who they were paying it to; I did that within a few months after I became a police commissioner, but I couldn't get any authoritative information of any kind on the subject; but I got it from all sides that they were paying, and it was believed that they were; but no person would substantiate or stand for it.

Q. There was not any doubt in your mind, was there, that they were violating the law? A. Yes, there was; I don't believe they were violating the law; I think the courts had held that they were not violating the law.

Q. Wasn't it a fact that long before you came together with Commissioner Martin and requested the superintendent to take action, you knew it was a violation of law? A. I did not; I knew it was decided the other way.

By Mr. Goff:

Q. Where was it decided? A. I knew that some litigation—

Q. Now, you state you knew it was decided the other way; where was the decision rendered? A. I don't know; I heard it.

Q. What court? A. Some court in New York city.

Q. By what justice? A. I don't know.

Q. You state a fact— A. I state the fact that I heard that was the case.

Q. And yet you can not cite any case or any opinion? A. No; you have it.

By Chairman Lexow:

Q. Now, if you considered that not a violation of law, why did you direct the superintendent of police to close them up in April? A. I thought it was good morals.

Q. If it was good morals in April wasn't it good morals in January? A. I stood ready at any time to assist in closing them up.

By Mr. Goff:

Q. You say about the law— A. I am not talking about the law; I say the decision of a court.

Q. We will come to that later; you are not able to cite any decision? A. No.

Q. And I do not think if you search for it your industry will be rewarded? A. I wouldn't know where to look for it; it is in some court of this city.

Q. It would be a difficult thing; I know what you have reference to, and there is no such decision by any court in this State? A. What is it I have reference to?

Q. To a decision that it was not a violation of law to sell pools? A. You know there were cases taken into court where they tried to shut them up.

Q. I have some knowledge, and I know there was never a case decided in the courts of New York declaring it to be lawful to sell pools? A. I don't say that.

Q. There were cases decided by the judges of our criminal courts that there was not evidence enough to sustain a prosecution? A. Well, that might be; there were some decisions; I don't know just what they were.

Q. And finally, when the Fassett committee was sitting in this city, a test case was made by collusion between the police and the pool sellers, and that test case was brought; it was the result of a collusion between the police and the bookmakers; a conviction was had before Mr. Justice Martine in the General Sessions, and that conviction was upheld and maintained by the General Term of the Supreme Court? A. When was that.

Q. When the Fassett committee was sitting in this city taking testimony? A. Well, that was a long time prior to my being a commissioner, and I know nothing of it.

Q. So that when you said there was a decision to the contrary, the other way, you were clearly mistaken, which any man may well be, I am free to say? A. We are all very apt to make mistakes.

Q. Here was the law of 1887; section 7 of the act of 1887 says: "Any person who shall engage in pool selling at any time or place, except as hereinbefore stated"—that is the racing associations for 30 days—? A. Is that 1887?

Q. Yes, sir (continued); "That any person who shall engage in poll selling at any time or place, except as hereinbefore stated,

shall be guilty of a felony, and upon conviction shall be punished by imprisonment in a State prison for a period not less than one nor more than five years; section 8; this act shall take effect immediately;" that was the law, commissioner, making it a felony; now, while the law stood that way, and under the Penal Code, re-enacting the act of 1887, you as police commissioner made no effort to stop the commission of felonies upon felonies from the time you were appointed police commissioner until about the month of April, 1893, is that so? A. Well, they were called pool-rooms; they took the position that they were not pool sellers and didn't sell pools under the construction of that particular statute; and I believe, if I recall it now, that an injunction was secured on one occasion preventing interference with them; I am not sure of it, but I know there was an injunction secured one time.

Q. Oh, yes, commissioner, there was an injunction secured long ago in reference to the Jerome park races, and that held until the 30 days expired? A. No, some pool seller in New York city got an injunction.

Q. What I want to get at is, why did the commissioners of police in this city refrain from closing the pool-rooms that were felonies under the eye of the law until a private citizen, Mr. Croker, came forward and directed them to be closed? A. I don't know unless the police department considered that they were not violating the laws.

Q. Then Mr. Croker was never known as a jurist; did the police commissioners accept his opinion of the matter as better than their own legal adviser of this city? A. No; that was my own opinion; I didn't want Mr. Croker's opinion of it.

Q. Then why didn't you move on your own opinion before Mr. Croker moved? A. I told you that I did start investigating and looking the matter up.

Q. When did you start an investigation? A. A few months after I became a commissioner.

Q. What was the result of your investigation? A. The result was, I started in to find out how many pool-rooms there were, if it was true that they were paying money, as it was all hearsay, and as to who the money was paid to, if money was paid; and furthermore whether they were considered violations of law, whether they were receiving protection in any way.

Q. Then you did hear at that time that the pool-rooms were

receiving police protection? A. I did, yes, sir; that was hearsay; I had no authoritative evidence of it.

Q. It was sufficient to start you in on an investigation? A. Yes, sir.

Q. What was the result of your investigation? A. I could not get any information that would warrant me in going any further.

Q. What source of information did you apply for? A. I talked with different parties.

Q. Will you name me one? A. Yes.

Q. Who? A. I spoke to a number of people who kept those pool-rooms.

Q. How did you know they kept these pool-rooms? A. The information came to me in some way.

Q. Will you name me one that kept those pool-rooms? A. I can not now.

Q. Do you know the name of any man that kept a pool room in New York city? A. I can not call them to mind.

Q. Did you depend upon the information that a pool-room keeper would give you as to the legality or illegality of his occupation? A. No, sir.

Q. Well, what other sources of information did you apply to? A. I had heard of the cases that I have spoken of where injunctions had been applied for, and the fact that those places had been running for a number of years without being closed up rather inclined me to the belief that they had a right to run.

Q. But if they were illegal, as the chairman has said, if they were illegal after April, 1893, they were illegal before April, 1893? A. I presume so.

Q. Then did Mr. Croker's fiat make them illegal? A. No, sir.

Q. Then why did the police commissioners act in a sort of individual capacity, and they didn't act before? A. You must understand this pool-room question was getting worse and worse; they were spurting all over the city.

Q. So Mr. Croker says, that they had become a nuisance and a disgrace; that was true, wasn't it; you have so testified? A. I haven't so testified.

Q. You stated that you thought Mr. Croker was correct when he used those words? A. I stated that—

Q. Assuming that he was correct, and that they had become a nuisance and a disgrace, the police commissioners took no act or made no step forward to suppress the nuisance or disgrace?



A. We had no knowledge of the fact that they were considered a nuisance or a disgrace.

Q. Then you waited for Mr. Croker to give you the knowledge that they were a nuisance and a disgrace? A. No; I had looked it up long before that.

Q. But you hadn't taken any action? A. No.

Q. You had your private opinion that they were a nuisance and a disgrace? A. I looked into it as far as I could.

Q. You were satisfied that they were a nuisance and a disgrace? A. I haven't said such a thing.

Q. Well, I ask you now? A. I don't think they were beneficial in any way to the city.

Q. Is Mr. Croker's designation of them correct? A. He may have considered it correct.

Q. What did you say? I was rather inclined to believe him.

Q. Were you strengthened in your belief by his public utterance or statement? A. Not in the least.

Q. You entertained whatever views you had before he had spoken publicly upon the question? A. Yes, sir.

Q. Yet you did nothing? A. I entertained those views.

Q. You did nothing? A. I told you I did do something.

Q. What did you do? A. I made inquiries of every possible—

Q. You sent for Peter De Lacey? A. No, sir; never in my life.

Q. Did you send for pool-room keepers? A. I told you I talked with some.

Q. Can you tell me who they are? A. No.

Q. Is it so trivial that you cannot call them to mind? A. It is trivial enough.

Q. You sent for a man who was violating a law and violating the statute? A. I sent for a number of men and asked them if they were paying any money to any person for this purpose.

Q. You sent for a pool-room keeper? A. I sent for a number of them.

Q. You sent for a pool-room keeper, a man who was committing a felony every day that he sold pools, and you sent for him to give you information as to whether the law was being violated or not; is that it? A. No, sir; I sent for him to find out if it was a fact, if I could get it from him, as to whether he was paying money, and how much, and who the money was being

paid to; I spoke to a number on that subject, and they all denied that they were paying money.

Q. Now we have it that the object that you had— A. And I went further; I sent for other people that I thought had better means of information upon that subject than I could get; and I talked to them on that subject; and they said that was the common story; but they would look into it, and see what information they could get, and bring it to me; and if those people could get anything authoritative they would have brought the information to me.

Q. So we have it now that you sent for pool-room keepers and other people in this transaction with reference to the report that they had been paying for police protection? A. Yes, sir.

Q. And not on the question whether they were violating the law or not? A. They claimed that they were not selling—

Q. What did you send for them for? A. To find out if they had paid money.

Q. You didn't send to see if they were violating the law? A. They claimed they were not violating the law.

Q. Do you know of that saying that there never was a thief yet that didn't find the halter too tight for his neck? A. Yes, sir.

Q. Do you expect if you send for felons that they will turn around and tell you that they had been violating the law? A. I rather feel satisfied that they would tell me if they were paying money; that was the particular thing I was trying to find out, to see if the police were being bribed with money to allow those places to run.

Q. Of course, you hadn't been many years here from rural Buffalo? A. No.

Q. And you sent for a man that was accused of bribing police officials, and you expected to get the truth from that man? A. Well, Mr. Goff, you were not here from Ireland much prior to my coming here from Buffalo.

Q. My dear, commissioner, we shall not enter into any discussion about how long I have been here from Ireland or not? A. Then why do you enter into a discussion about how many years I have been here from Buffalo.

Q. Well, you came here from Buffalo and were appointed police commissioner, and I have a right to inquire whether or no you were competent or fitted to fill that position? A. I am satisfied I was; I think the public are too.

Q. I am not questioning that at all; I am asking you another question; whether or no I was here but a little longer from Ireland than you were from Buffalo, if you expected to convey by your suggestion to me that I was verdant after coming from Ireland, why I want to know if you were not more verdant after coming from Buffalo to expect a briber to come to you and tell you that he had bribed police for police protection? A. Well, I expected to get some information from them.

Q. Has that been your course throughout the administration of your official duties? A. My course throughout the administration of my official duties have been straightforward and honest, and I have made every effort to discharge my duties in an honest manner.

Q. Has that been your course in the administration of your duties, as a police commissioner, to send for persons accused of violating the law and to get their statements as to whether or no they were violating the law? A. They were not known to be violating the law.

Q. But the law says they were felonies? A. But decisions say they were not felonies.

Q. What decisions? A. I can not call them to mind now.

Q. I have said before, dealing fairly with you, that there were no such decisions; can you state that you knew of this law that it was a felony to sell pools in this city? A. I knew it was illegal to sell pools.

Q. And knowing it was, you sent for the parties accused of committing the felony to find out whether or no they had been violating the law? A. I didn't ask them on that subject.

Q. Well, you asked them about the bribery? A. Yes, sir.

Q. You knew that that was prohibited by our constitution? A. Certainly.

Q. And by special enactment in the Penal Code? A. Yes, sir.

Q. Did you know further that a person accused or suspected of giving a bribe was not excused from answering when questioned, on the ground that he would criminate himself? A. I understand that.

Q. And you knew that any man who was accused of giving a bribe could be compelled to answer the question whether he bribed or not; didn't you know that? A. There is some such provision.

Q. Well, that is the law? A. Yes.

Q. In other matters, of course, you are well aware of the fact

that a man need not answer a question if it would tend to criminate him? A. Certainly.

Q. But you know that our law makes an exception in the case of bribery? A. Yes, there is something of that kind.

Q. Well, it is the positive law; now, with that knowledge, and sending for a person that you had information sufficient to justify you in sending for, to come that you might ask about a bribe, why did you not take some proceedings to compel him to prove under oath whether or not he had given a bribe? A. I didn't take any; that is the—

Q. You are satisfied with the private conversation you had with him? A. With that and other inquiries.

Q. With any one else? A. That I had made outside of these particular sources.

Q. You were satisfied with a general inquiry around to find out that the pool sellers were not paying for police protection? A. I was satisfied that the places had run for years and that Superintendent Byrnes or whoever was at the head of the police department did not make any attempt to suppress them, and I took it for granted that there was some good reason for it.

Q. What was the reason? A. Decisions of the court.

Q. What decisions? A. I told you I couldn't tell you.

Q. It was an important matter to you, if you from your information heard that these places were allowed to run on account of bribery in the police department, was it not a matter of interest for you to inquire if there were decisions of the court on the question? A. I heard of such decisions.

Q. But, if there were decisions of course there was no necessity for these pool-room keepers to bribe the police, was there? A. I don't know why they should.

Q. You say you relied upon some decision? A. I had heard of some decision.

Q. Did it strike you at the time that if there had been a decision in behalf or in favor of the pool-rooms that they need not have paid for police protection? A. Why certainly, they would be foolish to do it.

Q. They could only pay for police protection for violating the law? A. Oh, no, you find them paying for protection where they don't violate the law.

Q. Where? A. I don't know where.

Q. You say it is done; in what line? A. I can not tell you.

Q You are under oath, and you state something now; where is it done? A. I think that if you went far enough you would find that money is paid frequently where there is no violation of law.

Q. That would not relieve it from being a crime? A. No; they give money probably, frequently, as presents and tips and such things as that, that is never heard of.

Q. But that would not prevent it from being a crime? A. What?

Q. Giving money in that way? A. No, if a man wants to give any money without any cause for it he has a right to do it.

Q. Of course we all have a right to do what we may do gratuitously, but we come back to the questions that interests us; you say Superintendent Byrnes or whoever was at the head of the police department allowed the matter to run because of this alleged police protection? A. I don't know whether they let them run.

Q. You say the reason was on account of the protection? A. I presume.

Q. What have you to base your presumption on? A. Nothing at all, except they were running.

Q. Do you infer from the fact they were running that there was corruption at the bottom of their running? A. No; that would not make me infer that.

Q. Then why do you presume the worst? A. I presume, because I heard those stories repeated so often.

Q. And you founded your presumption on what you heard? A. Certainly.

Q. Wasn't it a charge made through the public press that those pool-rooms were kept open because money was paid to the police; didn't you read those articles in the papers from day to day? A. No; not from day to day; I may have read it occasionally.

Q. Now, I would like to know what particular immunity you consider this committee can grant that the police department do not possess to-day? A. Yes; it can not grant anything that you do not possess; but the Legislature can give us the power that this committee has got.

Q. Then you have got substantially all the power that this committee has to-day? A. We have not.

Q. What power haven't you got? A. We can not grant immunity to the witnesses.

Q. Why, the law grants them immunity? A. What law?

Q. The code. A. For testifying?

Q. For testifying to bribery and corruption; that has been on the statute books for years and years, and is a part of our Criminal Code; now, I would like to know what the commissioners say they do not possess for the purposes of ferreting out this iniquity that we possess to-day? A. I have stated that we have in no way got the power that you have got.

Q. What particular power haven't you got? A. When charges are made against any particular officer we are authorized to subpoena witnesses and bring them before us; but we cannot compel them to answer.

Q. Do you mean to say that the police commissioners cannot compel a witness properly subpoenaed before them to answer a question? A. I mean to say that; yes.

Q. Do you mean to say that there is any difference under the law with reference to our power to compel an answer and the police commissioners' power to compel an answer? A. We would have to go to the court.

Q. Haven't we got to do the same? A. Well, they will answer in your case more readily than they would in ours.

Q. Why? A. The fright of this committee, I presume, has something to do with it.

Chairman Lexow.—I can not understand Mr. Goff, and I think you ought to follow up that line of questioning a little; this question of corruption has been long understood by the people in this city, and, therefore, by the commissioners for a decade back almost, certainly for four or five years.

Witness.—Mayor Hewitt told us that years ago.

Chairman Lexow.—And that no concerted attempt, either through the channels of the police department, or through their own private methods of getting information, has apparently been made for the purpose of striking it down; that seems to be an important question.

Mr. Goff.—Yes, Senator.

By Mr. Goff:

Q. These pool sellers that you sent for, told you that they were not paying police protection? A. Yes, sir.

Q. Then you were satisfied with what they told you? A. I was not.

Q. What else did you do, if you were not satisfied? A. I made a great many inquiries.

Q. What was the result of all the inquiries that you made? A. That they believed money was being paid, but they couldn't get at the fact to whom it was being paid or what amount was being paid.

Q. That was the result in your mind, that there was money paid? A. I had no positive knowledge on that subject, but I believed they were paying money.

Q. So that you were then in a frame of mind to believe, upon the information that you received, that money was being paid by the poolrooms to the police? A. I didn't say the police; I said, paid to some person; it may have reached the police.

Q. But it was in that direction, was it not? A. I presume so; yes.

Q. There was no other person specially charged, or body I might say; there was no other body specially charged with the enforcement of law in this city except the police department? A. No, sir; except the district attorney's office, where you were for some time, and you know all about this and had charge of the grand jury; why didn't you look it up?

Q. Well, commissioner, you are questioning me again; why didn't I look it up? A. Yes.

Q. I don't want to enter any discussion with you as to what I have done or what I have not done; the district attorney, if you know anything, is not a detective, nor is he a policeman, and if he has dishonest and corrupt policemen to rely upon for information he can not do very much; can he? A. He has the power of the grand jury to get indictments.

Q. Now, commissioner, you have referred to me several times, and I have taken it good-naturedly. A. Not in a mean sort of way; only to show that you were in the district attorney's office, and I am in the police board; you had the same power —

By Chairman Lexow:

Q. You by law are charged with the duty of seeing that your police force is conducted honestly and efficiently, and the district attorney of this county has nothing to do with the disci-

pline of that police force. A. As far as I was able to do it I did everything in my power to see that the police force was conducted in a proper manner.

By Mr. Goff:

Q. If the district attorney of this county has failed to do his duty, is that any excuse for you or your brother commissioners in not doing theirs? A. No, sir.

Q. You know as a lawyer and a public official that the district attorney can only prosecute those cases brought to him; you know that is practically it? A. Practically, that is the way it is done; but he can take cognizance of violation of law in any part of the county if he desires.

Q. He can, but we will not enter into any discussion of that; if I were on the witness-stand for examination as to my actions as an assistant district attorney I would be perfectly agreeable to answer your questions, but, inasmuch as I am not under oath, you know — A. There is a difference.

Q. That is the difference; you will appreciate that difference, will you not hereafter? A. I will.

Q. Now, commissioner, we will come again to those pool-rooms; you say that the result of your information led you to believe that corruption money was being paid or reached the police department; is that so? A. I have the same belief that I had entertained all along.

Q. You had entertained that belief all along? A. That money was being paid to some person, though that belief was founded on the hearsay stories and the newspapers that I had read.

Q. It resulted in that condition of your mind that it produced a belief? A. Yes, sir; I believe so still; I believe they paid money to some persons.

Q. You believe they pay money yet? A. Not now.

Q. When did they stop? A. When they were closed down, I presume.

Q. When did they close down? A. I don't know —

Q. Do you mean to say that there are no pool-rooms in this city? A. Not that I know of.

Q. Not personally? A. I don't think there are any running; I have no knowledge on that subject; the superintendent of police is the executive head of the department and he has exclusive charge of the police affairs.



Q. Not exclusive; you are the heads of the department? A. We can not go out and order an officer to do this and that; it is done through the superintendent of police.

Q. I beg your pardon, you can; do you mean to say here that a commissioner of police can not go out and order a policeman to obey his directions; do you mean to say that? A. Any citizen could give that order to a policeman.

Q. Haven't you got a badge of office? A. I never wore one.

Q. Well, the other commissioners have, have they not? A. I don't know about them.

Q. As a matter of fact, do you mean to say that as a commissioner of the police department that if you went out and observed a violation of law that a policeman would not obey your orders and suppress that violation of law? A. I believe he would; but understand, Mr. Goff, all orders to the police force from the police board go to the superintendent, and from the superintendent to the police force.

Q. Then what is your statement as to where the blame lies? A. I really couldn't say.

Q. Did the blame lie any place? A. It must have laid some place.

Q. If the blame lay some place and it required Mr. Croker to come as a delivering angel to remove the blame, where did the blame lie? A. Well, then, Mr. Croker did something that the people of New York ought to thank him very much for.

Q. I am not saying otherwise, but I am simply saying, is it a fact that our police commissioners and our police department had to wait and to rely upon Mr. Croker, a private citizen, to come forward and show them their duty and compel them to do it? A. I don't know as he showed us our duty.

Q. If he didn't show you your duty did he compel you to do your duty? A. No, sir.

Q. Could Mr. Croker himself, as an individual, as a private citizen, close up the pool-rooms in New York? A. I don't believe he could.

Q. He could only do that through the agency of the police? A. Yes.

Q. And the agency had to be exercised through the police commissioners? A. No; he might have talked to the superintendent of police without going to the commissioners.

Q. Do you think that Superintendent Byrnes took his orders from Mr. Croker in discharging his duties? A. No, sir.

Q. Then you don't know anything about it? A. No, sir.

Q. Then the ordinary practice would be that Mr. Croker would give his orders to the police commissioners? A. He never gave any orders to the police commissioners.

Q. But that would be the practice? A. I say he could not do it unless he did it through the police department.

Q. Did he do it through the commissioners? A. He may have talked to some of the commissioners.

Q. Did he talk to you? A. No, sir.

Q. Do you know if he talked to any of the commissioners? A. I don't know.

Q. What was the moving cause or immediate necessity that made you and Commissioner Martin talk about it at that time? A. I had talked to Commissioner Martin a number of times.

Q. I am speaking of April, 1893, when the pool-rooms were closed? A. Yes, sir; on this particular day I speak of, I was in Commissioner Martin's room, and he brought the subject up; and prior to that time I had frequently talked to him on the subject; and he then said he thought those places ought to be closed up.

Q. Mr. Martin said so? A. Yes, sir.

Q. Did Mr. Martin tell you that he had had a conversation with Mr. Croker? A. No, sir.

Q. Did you hear anything about Mr. Croker's advice on the subject? A. I don't know; I may have; I don't recollect that I did.

Q. Did you hear anything about Mr. Croker's interests upon the subject? A. I have read a lot of stuff in the newspapers.

Q. Then you hear something about it? A. I don't know what they were now.

Q. At the time, in April 1893, when the order was given to close up the pool-rooms? A. No; I heard a lot of stuff after they were closed, saying that he closed them up for his own interest.

Q. If Mr. Croker closed them, again, he must have closed them through the police department of this city? A. How many times were they closed?

Q. You misunderstand me, I ask you again; if Mr. Croker closed the pool-rooms he must have closed them through the

police department of this city? A. I didn't say that he closed them

Q. Well, you say Mr. Croker had something to do with the closing of them? A. I don't know anything about that.

Q. Mr. Croker says, "We closed the pool-rooms;" I read it again — A. There is no need of reading it.

Q. You remember it? A. Yes.

Q. He says, "I advised our representatives in Albany to pass a law that would close them; what of it; wasn't it a good thing to do;" I have read that before to you; "now they pitch into us for closing them; the fact is that the pool-rooms got to be a nuisance and a disgrace to the city. Nine-tenths of those who bet in pool-rooms were clerks and boys who would drop into a pool-room across the street and lose their money." Now, when Mr. Croker says "we" or "us" to whom did he refer there, do you know? A. I don't know.

Q. Did he refer to the police department? A. I don't know what passed in his mind or what the operation of his mind was.

Q. You said it was the superintendent's duty to have closed them? A. If they were in violations of law, certainly.

Q. We have proven by statute that they were felonies if committed, and you have heard, you said, that they were running? A. Yes, sir.

Q. Now, the responsibility rested on the superintendent's shoulders, did it not? A. It is the superintendent's duty to enforce all laws.

Q. In the same issue you are interviewed, and you state at your house, 464 West Thirty-third street: "It is on a par with the newspaper stories to the effect that the superintendent's hands are tied and that he is powerless to act as he would like, because of restrictions put upon him by the commissioners; that assertion is false; the superintendent's hands are not tied;" do you remember those words? A. Let me see the paper and I can tell you.

Q. Yes, sir (hands witness paper); I think under that heading where my thumb is.

Mr. Goff.— At this point, before I ask another question of you, commissioner, as we have had a pretty hard day to-day, and as it is after half-past 4 o'clock now, I think we might adjourn.

Senator Cantor.— Until when, Mr. Goff?

Mr. Goff.—Monday, Senators, if you please.

Chairman Lexow.—All right. Mr. Commissioner, I want to ask you a question or two first.

Mr. Goff.—Before you announce an adjournment, Mr. Chairman, will you please to notify all witnesses under subpoena to be here on Monday morning.

Chairman Lexow.—Yes. I want to put a question or two to the commissioner.

By Chairman Lexow:

Q. You say that you heard, in reference to the pool-rooms, that money was being paid to or through the police, and that many persons had spoken to you on that subject. Can you name any of those who conveyed that information to you? A. I did not say that money was paid to the police; I said I heard that money was being paid to some person or persons for some purpose; I didn't say to the police; I had read in the newspapers that the police were receiving tribute.

Q. Do you mean to say now that you had not heard that money was being paid to the police, or to third persons, for the police? A. I had read in the newspapers —

Q. Can you name any of the persons who carried that information to you? A. No, sir.

Q. Did you ever use the detective facilities of headquarters for the purpose of establishing any of these facts? A. No, sir.

Q. Never went to the detective service at all? A. No, sir.

Q. Why not? A. I considered the men at the head of the police force and the chief of the detective bureau competent to discharge their duties.

Q. I understand; but if you heard that the law was being violated or that bribery or corruption money was being paid, didn't you deem it your duty to try and get that information through the channel of that department of the police; which is the proper department to act for such purposes? A. No; I conversed with my colleague, Commissioner Martin, on that subject, and he said that he had repeatedly tried to get some information on that subject, but could not.

Q. Did you ever speak to Superintendent Byrnes? A. I am not sure that I did; I may have.

Q. Did you ever call the attention of any person connected

with the detective bureau to the information that you had received? A. No.

Senator Cantor.—Mr. Goff, for the purpose of clearing up some point as to the relative powers of the police department and this committee, am I right in the assumption that the police board has no power to subpoena witnesses unless charges are preferred against an officer?

Mr. Goff.—No, Senator.

Senator Cantor.—Of course, this committee has a right to subpoena witnesses without charges being preferred against any one.

Mr. Goff.—The fact is that the police commissioners may initiate proceedings themselves.

Senator Cantor.—Can they compel the attendance of witnesses.

Mr. Goff.—Yes, sir, the Consolidation Act says that they can make the charges and compel the attendance of witnesses.

Senator Cantor.—As I understand it, they must prefer charges in the first instance against somebody before their subpoena can be issued.

Witness.—And serve the accused with a copy of the charges.

Senator Cantor.—I asked because it may be important in framing legislation next winter.

Mr. Goff.—I think that is true, and in an opinion of the corporation counsel of this city he stated that they had no power to compel the attendance of witnesses except some proceeding was pending, and it necessarily follows that a proceeding could not be pending unless there were charges preferred against some one.

Senator Cantor.—Of course, if that is good law we may require some legislation on that subject.

Mr. Goff.—I think that is the law as defined by the corporation counsel of this city.

Senator Bradley.—They have not the power to send for papers and persons as we have.

Mr. Goff.—I think the point Senator Cantor puts is the pivotal point; that is, that there must be first charges preferred against some officer or officers, and then if charges be preferred against some officer or officers they can do anything that this committee can do; and another thing, they are not limited to time. They can continue their line of investigation as long as this committee can continue it.

Witness.— Mr. Goff, you understand they can not go outside of the matter set forth in the charges. '

By Chairman Lexow : '

Q. Mr. Commissioner, did you communicate to your brother commissioners the result of the investigation you had made in this pool-room matter? A. No, sir; I was doing it for my own information.

Q. Did you consult with them at all on the subject? A. I talked, as I said, with Commissioner Martin a number of times on it.

Q. Did you speak to any of the commissioners of the rumors that were going around about it? A. Yes; I talked with Mr. Martin about it.

Q. It was a matter of general conversation between you? A. It was written up in the newspapers.

Q. You stated that when you heard of these rumors you heard of them in connection with an attempt to corrupt the police; didn't you so state? A. I said no such thing in the way you put it.

Q. Didn't you state that you heard money was being paid, or protection paid, either to the police or to some person for the police? A. I didn't say I heard money was paid to the police; I said that I heard that the papers had printed stories to that effect; that money was being paid by the pool-rooms to some person or persons, and that the papers charged that this money was received for the purpose of paying some police officers.

Q. Having heard that, didn't you reach the conclusion that it could only be for the police? A. I believe that the money was collected for the police.

Q. You so believed at that time? A. I believe it still; I believe that the money collected at the time was received by some person to go to the police.

Q. You knew at that time who the officers were who had jurisdiction over the places where the pool-rooms were running; did you not? A. Yes, sir.

Q. Why didn't you prefer charges against that officer or those officers? A. I understood that the officers considered that it was no violation of the law.

Q. But that they could still take protection or corruption

money, if the business was not a violation of the law? A. I never got any positive evidence that they were taking corruption money.

Q. You say that you knew, or rather that a statement was made, and the rumor was current, and that you believed that the police were being paid corruption money for the purpose of keeping those pool-rooms open? A. Yes.

Q. Now, I ask you why, with that knowledge you didn't prefer charges against those officers who had jurisdiction over the places where pool-rooms were kept? I had to get some evidence before I could prefer charges.

By Mr. Goff:

Q. And since you had that belief that money reached the police, did you suspect any particular police official of receiving that money? A. No, sir.

Q. From the superintendent to the patrolmen? A. I suspected no one in particular.

Q. Did your suspicion fasten upon anyone? A. No.

Q. Or upon any class? A. No.

Q. And from your knowledge as a police commissioner, what was your understanding as to the police officials that could give protection for such corruption money; who were they? A. Well, if they were considered at that time not violations of the law, and the superintendent of police hadn't issued orders to close them up, I don't suppose any officer would interfere with them.

Q. Let us not beg the question; if you believed from all that you heard, and from the inquiries that you made at that time, as you have sworn to already — A. Yes.

Q. — that protection money was being paid which reached the police, what particular police official or officials could grant immunity on consideration of receiving such protection money? A. There was no immunity granted them.

Q. I am not asking that; answer my question; what particular police official or officials could grant protection to the pool-sellers for the money so received.

Q. Why if they were not considered violations of the law they couldn't take protection?

By Chairman Lexow:

Q. You understand the question; who had the authority in the districts in which these pool-rooms ran to give immunity to those pool-rooms in exchange for money paid? A. I don't admit that there was immunity given by any person.

By Senator Bradley:

Q. Supposing that money was paid to some one, who had the power to grant immunity? A. Nobody.

By Mr. Goff:

Q. But, commissioner, the police department consisted of about, we will say, 3,500 men; now, your belief that you got that conclusion that money reached them for protection from the pool room sellers — A. Yes, sir; that belief was founded entirely on rumor.

Q. Which one of that 3,500 men, or which official or grade of officials, were you led to believe received that money? A. Nobody in particular.

Q. Did you think the patrolmen received it? A. I didn't form any judgment on that matter; they might have received it.

Q. Did you think the roundsmen received it? A. No.

Q. Did you think the sergeants received it? A. I don't know who received it.

Q. Did you think the captains received it? A. I don't know who received it.

Q. Did you think the inspectors received it? A. I don't know who received it.

Q. Did you think the superintendent received it? A. I don't know who received it.

Q. Did your mind revert to any individual or any class of individuals? A. I told you that I don't know who received it.

Q. Did your mind revert to any individual or to any particular class of individuals? A. My mind reverts to the police force.

Q. But what part or parcel of the police force? A. I told you I didn't know.

Q. Did you endeavor to go beyond that vacant condition of mentality to inquire what part of the police force received it? A. I found it was impossible to get any information; I didn't go any further.

Q. You didn't prosecute your inquiries after you arrived at the belief that protection money was being paid to the police;



you didn't prosecute your inquiries as to what particular official that money went to? A. I did.

Q. Did you get any light on that subject? A. I did not.

Q. Did you get any information on that subject? A. I did not.

Q. Did your knowledge of your duties as a police commissioner lead you to inquire in the direction of any particular official or officials? A. I inquired in every direction and couldn't locate it or put it on any particular person.

Q. Did you consider whose duty it was in the respective precincts or inspection districts to suppress pool selling? A. If it was considered a violation of law, the police force of that precinct, of course.

Q. And the commander of that precinct? A. Certainly.

Q. The responsibility lay directly with them? A. Yes.

Q. Now, since you believe the protection money reached the police, was it not a reasonable inference that it reached the authority that had the power to give protection? A. Oh, it might not.

Q. Would it stop with the partolmen on the street? A. I couldn't tell where it stopped.

Q. But it went into the police force? A. I don't say that.

Q. But you say you believe it did? A. Yes.

Q. Did you stop in your inquiries as to what part or parcel of the police force it went to? A. I told you I made all possible inquiries and tried to locate it on any particular persons; I could not locate it on any person, but the rumor was present that money was paid for that purpose.

Q. Did you select out any person that you had a suspicion of in your pursuit of your inquiries? A. No, sir.

Q. Did you select any official grade that you had a suspicion of in the pursuit of your duties? A. No.

Q. Did you prosecute your inquiries to find out into whose hands the money went first? A. I tried to find that out.

Q. Whose hands had you in view when you tried to find it out? A. Nobody in particular.

Q. Some policeman? A. It might not be.

Q. But you said it reached the police. A. I said I believed it had; I didn't say that it did.

Chairman Lexow.— Shall we adjourn now?

Mr. Goff.— Yes; if you please.

Chairman Lexow.—All witnesses who have been subpoenaed for to-day will attend here at half-past 10 o'clock on Monday morning. The committee stands adjourned until that time.

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Proceedings of the fifty-third session of the committee, October 29, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Edmund O'Connor, Daniel Bradley, Jacob A. Cantor, Cuthbert W. Pound and George W. Robertson; John W. Goff, Esq., and Frank Moss, Esq., as counsel for the committee.

Chairman Lexow.—Mr. Sheehan, will you take the stand.

John C. Sheehan, recalled as a witness and further examined by Mr. Goff, testified as follows:

Q. Did you preside at the trial of Captain O'Connor, commissioner? A. Mr. Goff, I want to say one word by way of explanation in reference to a certain thing.

Q. In what respect? A. In reference to my law firm, my connection with Judge Brown.

Q. Let us see; is it in explanation of any testimony you have given? A. It is substantiating the testimony I have given.

Q. Then there is no testimony to explain? A. An endeavor was made to show my connection with Judge Brown was before my appointment as police commissioner; here is a paper showing I started out in February.

Q. Your testimony is that the formal copartnership was not entered into until after you were appointed police commissioner; but that negotiations for copartnership had been entered into; am I right? A. My testimony was that it was after; Judge Brown and I talked about going into partnership in January, 1892, and the matters were consummated so that in February, 1892, the following circular was sent out, "Dear sir: We beg to announce that we have formed a partnership for the practice of law and established offices at the above numbers.

"Respectfully yours,

"Edward Brown, John C. Sheehan."

That was in February, 1892; I was appointed March 2, 1892, and it was understood when I made this partnership arrange-

ment that I should resign my position with the aqueduct board; in explanation of another matter it was tried to show here that in the letting —

Q. One moment, commissioner.

Chairman Lexow.—I would not give my testimony argumentatively. If you have any correction to make in the testimony you have given, we would be glad to hear the correction.

The Witness.—This is very important, but I ought to straighten it out.

Mr. Goff.—I do not want to establish the precedent of your straightening it out from time to time.

The Witness.—This is taken from the contract itself.

Q. Well, let us have it? A. You stated, or tried to show that —

Q. I have not tried to show anything. A. That at the time we submitted bids for certain work in Long Island City a check was enclosed in the envelope with the bid and on the outside of the envelope were the figures, whereby the commissioner could be a judge of who the lowest bidder was; that was entirely wrong, and I swore it was wrong, and I am satisfied it was so; the first letting at Long Island City provided that a check to the amount of five per cent. of the amount of the bonds should accompany the bids; that was the first work we bid on.

Q. Now the question of that first contract was true? A. It was not true.

Q. You have stated that the advertisement required that the bids be accompanied by five per cent. of the bid? A. Certainly; that is true; but you said that on the outside of the envelope in which the check was deposited we put a pencil memorandum showing the amount of the check; that was not so.

Q. We asked you a question — A. I said I did not believe it was so; I say now it was not so; the fact was, the amount of the check was specified in the proposal so submitted; it makes no difference how much it was.

Chairman Lexow.—I do not think it is right or proper that you should say that. Counsel is not endeavoring to show anything here. He simply wants to get at the facts; that is all.

The Witness.—That was taken from the contract; that is all.

Chairman Lexow.—Mr. Commissioner, I would suggest in the further examination here that you limit yourself as far as practicable, to straight answers to the questions that are given; otherwise you and the counsel get into wrangling; and the result

is that the testimony includes a hundred pages, where it would only reach two or three if the testimony was categorical.

The Witness.—I want to be correct, Senator; and I want to get on as nicely as possible.

By Mr. Goff:

Q. Any more corrections? A. There are no corrections; it is in substantiation of what I said; on the last session I said I believe I knew of a decision that pool selling was not illegal; you said there was no such decision; I can refer to the decision in the People, appellant, against Thomas F. Wynn, 25 Hale Reporter, 487, opinion by Judge Van Brunt; and the decision was that pool selling was not illegal; it went to the Court of Appeals, and that decision was sustained, 35 State Reporter, 487; in the Court of Appeals you will find it recorded in 38 State Reporter, page 1012.

Q. And you based your action on that one decision? A. I do not say that.

Q. You based your action, or your official nonaction, because there was a decision the other way; now you have discovered the decision and we will see what that decision is; that is the case, gentlemen — that was the collusive case between the police and the pool sellers in Barclay street, where the word went around the night before that a raid would be made; and a policeman went around in citizen's clothes the next day and Wynn was the only one there; and he said, "I want to bet —" I forget the name of the horse — and he said, "We will take you down to Sheepshead Bay on commission," and we will show you here a commission; that is the case; I am very glad you brought the title of the case to my recollection; I know it very well; the proposition was that they were common carriers; it was not a question of pool selling; it was not on the legality of pool selling; however, we will read from the case; now, I would like to have it on the record what the commissioner has brought here this morning, formally, in relation to the contract; this is an abstract from the — A. Taken from the form of bids.

Q. Produced by the commissioner himself, "Morris avenue sewer; no estimate will be considered unless accompanied by either a certified check upon one of the State or national banks of Long Island City, or the city of New York and Brooklyn,

drawn to the order of said commissioner, or money to the amount of five per centum on the security required for the faithful performance of the contract." A. Read the balance of it, Mr. Goff.

Q. I will, but it has no bearing upon that subject. A. Have it all in.

Q. All right; I do this at the witness' request; it has no bearing at all; I am willing to read it: "On every letting the requirements are as follows: Each bid shall be accompanied by the consent in writing of two or more residents of the city of Long Island. If the estimate is for work in sections the check to accompany each estimate shall be \$3,000. If for one-half the whole work, the check shall be \$8,000." A. Thank you, sir.

Q. With whom have you conversed on the question of the indorsement of the check — on the envelope, or the superscription on the envelope? A. Mr. O'Brien.

Q. With your partner, Mr. O'Brien? A. Yes, sir.

Q. Was it he who inclosed a check in the envelope? A. Yes, sir.

Q. And it is his word that you have that there was no marking upon that envelope? A. Yes, sir.

Q. But you are not able to swear now, any more than you were on Friday, of your own knowledge? A. I am positive no such mark was made on the envelope; it would not have any effect if it was.

By Senator O'Connor:

Q. Do you know of your own knowledge? A. I did not see the envelope when it was passed in.

Q. Did you see the envelope? A. No; I was in New York and he in Long Island City.

Q. Then you have no personal knowledge? A. I saw the check inclosed in the envelope in my office before he started for Long Island City.

Q. You don't know what was on it when it was deposited with the commissioners? A. No, sir.

By Senator Pound:

Q. The amount of the check was based on the amount of the security required, and not on the amount of the check? A. Yes.

By Chairman Lexow:

Q. If you said, for instance, in the first place, "I do not know anything about it," that would have ended that branch of the inquiry; and instead of having 15 or 20 pages on this important subject, we would have had just one answer. A. Did not bring the matter up.

Q. If you had only answered that you did not know anything about it that would have ended it. A. The first letting of the bid was that the amount of the security was to be one-half of your bid.

By Senator O'Connor:

Q. Was that known by all the bidders? A. No, sir; in the second letting it was provided that the amount should be 50 per cent. off the amount you bid; but everybody knew what was the amount of the check, because it was specified in the amount of the proposal.

By Mr. Goff:

Q. Everybody knew the amount of the check? A. In the advertisement they specified what the check should be, and what amount.

Q. You say five per cent? A. That was the first letting when the bids were thrown out.

Q. That is what my question was directed to; you see we come to an agreement on that point? A. We can agree sometimes.

Q. You have corroborated the check; and every opportunity I can afford you, of course I shall be only too happy to afford you; before I go any further, have you any corrections to make after reflecting upon your testimony, or reading the reports of it over, have you any corrections to make now, Mr. Commissioner? A. None whatever; I have not read any reports of that at all.

Q. Did you preside at the trial of Captain O'Connor, of the Second precinct? A. I was one of the commissioners that presided on that trial.

Q. One of the board? A. Yes, sir.

Q. That was on the charge of failing to suppress pool-rooms? A. Yes, that was the charge.

Q. You remember, commissioner, that that charge was brought to light by an assault upon certain persons in a pool-room in Captain O'Connor's precinct? A. Yes, sir.

Q. Who preferred that charge? A. I think the charge was made by a person of the name of Mason.

Q. Do you remember when the trial took place at police headquarters? A. Some time ago; I can not tell the date.

By Chairman Lexow:

Q. Well, it was in the early part of this year? A. I believe it was; perhaps I got it here.

By Mr. Goff:

Q. All right; refer to it, if you can.

Chairman Lexow.—We have got testimony on that subject on the record.

The Witness.—Some time ago, I cannot fix the date.

Chairman Lexow.—Simply to fix the date in the commissioner's mind, I would like if you can get the date while your mind is on it. I think it was in February.

Mr. Goff.—I think so; in the early part of the year, anyway.

The Witness (referring to memorandum).—I do not seem to have it, Mr. Goff.

Q. My recollection is it was about the month of February, commissioner; has a decision in that case been reached? A. It has not been announced yet.

Q. Has it been reached, commissioner? A. No, sir.

Q. When do you remember that the commissioners ceased taking testimony, or when did the trial end? A. I cannot recall that; it lasted some considerable time; but I don't know when it was finished; it was sometime ago, as I said.

Q. It certainly ended before the first of April? A. I believe so; yes, sir.

Q. Have the commissioners ever convened for a vote upon the question of the guilt or innocence of Captain O'Connor? A. The papers in the case were sent around to the two new commissioners — Commissioner Murray and Kerwin — to read and I believe they still have the papers.

Q. Well, but how can they render a decision, when Commissioner Murray was not a commissioner of police at that time?

A. The case had not been recited at the time he became commissioner.

Q. Is he qualified to render a decision upon a case that arose before he became commissioner? A. He certainly is; the evidence was sent around to him to read; he passes on the evidence as brought out before the commissioners.

Q. Commissioner Kerwin was not appointed at that time? A. No, sir.

Q. The board at that time consisted of four members, yourself, Mr. Martin, Mr. McClave and Mr. MacLean at the time of that trial? A. Yes, sir.

Q. And Mr. McClave's term expired when? A. The 1st of May, I believe; he went out of office the 1st of June.

Q. And Mr. McClave resigned some where in July? A. About that I don't know.

Q. Can you give us the reason why a conclusion was not reached in the case of Captain O'Connor arising out of this assault and pool-room transaction before the term of Commissioner MacLean expired, and before Commissioner McClave resigned? A. No, sir.

Q. Was there ever any effort made on the part of the commissioners to reach a decision upon the question of the guilt or innocence of Captain O'Connor? A. I don't know what the others did; I was prepared to vote on it at any time.

Q. Well, did you announce your willingness and readiness to vote upon that question to your brother commissioners? A. I did; yes, sir.

Q. In what form did you announce it? A. In an interview in some of the papers.

Q. In the newspapers? A. Yes, sir; and I stated on more than one occasion to some of the commissioners that I was ready whenever the case was prepared and ready to be presented.

Q. Whose duty was it, if the duty rested upon any commissioner more than another, whose duty was it to convene the board and have the board determine one way or another upon that question? A. In a case of that kind, Mr. Goff, there was a great deal of it; I think the stenographer was some two or three weeks before he had that case prepared, or four weeks.



By Senator O'Connor:

Q. Whose duty is it to convene the board to act upon it? A. No particular commissioner; the stenographer sends that up to the board, and they lay there.

By Senator Pound:

Q. This is done by a motion made by some commissioner to proceed to judgment? A. Yes, sir.

By Mr. Goff:

Q. Then so far does it so rest that after the trial of such a captain O'Connor's, that excited so much public interest at the time, that it can rest undisposed of without limit of time, is that the case? A. Rest undisposed of?

Q. That it may rest undisposed of without limit of time? A. Oh, no.

Q. What forms are there, or what procedure? A. About that time the police board was considerably interested over this investigation and other matters; and, as I said, I don't think the papers in that case reached the board until some time after the time Commissioner McLean left; and I know this, Commissioner Martin has repeatedly asked for those papers, and asked if the commissioners had read them and could take the case up and decide it.

Q. Has he asked that in the board? A. Yes, sir.

Q. What has been the answer? The last answer I heard was Commissioner Murray had the papers, and he had not yet read them, and was not prepared to take the matter up.

Senator O'Connor.—When did they get through taking evidence in the case?

Mr. Goff.—We have fixed that it was—the trial was concluded before the first of April. My recollection is that it was concluded long before the first trial.

The Witness.—I do not admit that, Mr. Goff, but it may be so; I can get the correct time.

By Mr. Goff:

Q. We will have the date; but my recollection is that it was concluded before that time. A. I believe it is right; but I am not sure.

By Senator O'Connor:

Q. Can any commissioner bring it up at any time he wants to? A. Not before the papers are before the board.

By Mr. Goff:

Q. We will say the trial was concluded about the 1st of April, and assuming that the evidence was in the hands of all the commissioners before the end of the month, then I ask you can you explain why it is that no action was taken by that board while the commissioners who heard the testimony were in office?

A. I can not; I can only explain for myself that I was ready at any time they wanted to take it up.

Q. I don't question your motives in the matter, commissioner, at all; but I want to know if there was any formal action taken by the board of police regarding the disposition of the case of Captain O'Connor? A. No more than I recollect Commissioner Martin referring to it on a number of occasions, saying it was time we disposed of that case.

Q. But he did not refer to it until the new commissioners came in there? A. I am not sure that the papers were before the board until after Commissioner MacLean left; I am not sure of that; but he referred to it a number of times before the new commissioners came in.

Q. Well, has there ever been an informal canvass of the opinions of the commissioners on the guilt or innocence of Captain O'Connor made? A. There was, after the case was concluded; there was some talk about it.

Q. After the trial; what was the result of that informal canvass? A. There was no result arrived at; they talked the whole thing over without anybody expressing what his opinion was of it.

Q. There was no expression of opinion on it, was there, for or against? A. I expressed mine.

Q. As to guilt or innocence? A. No; I don't believe there was.

Q. You say you announced you were ready to decide on it? A. I was ready to vote on it at any time.

Q. Your vote is your decision? A. Yes, sir.

Q. Did you intimate what your vote would be? A. No, sir.

Q. Did any other commissioner intimate what his vote would be? A. Not to me.

Q. Did you hear through other channels than the lips of the commissioners what their votes would be? A. I did not.

Q. Was there any rumor or report reached your ears that the vote in that case would be a tie; two for and two against? A. I believe I may have read something of that kind in some newspaper.

Q. But I mean, leaving out — outside the newspaper reports — around police headquarters? A. I don't think it; no, sir.

Q. Can you give the committee any reason for the board of police commissioners holding up such an important case as the charge against Captain O'Connor proved to be upon the trial? A. Yes; because Commissioners Murray and Kerwin are not ready to vote upon it.

Q. I asked you before why it was that some action was not reached upon that important case before the expiration of the term of Commissioner MacLean or the resignation of Commissioner McClave? A. I say, so far as Commissioner MacLean was concerned, I am in doubt whether the papers reached the board prior to his leaving the board; I am not sure.

By Chairman Lexow:

Q. None of the testimony was taken before the new commissioners? A. No; but in cases of that kind they come in and read the testimony and decide.

By Mr. Goff:

Q. Has it been considered formally by the board that the new commissioners are competent or qualified to pass judgment upon a case that they did not hear, and a case that was tried when they were not commissioners of police? A. They have passed judgment on 50 or 100 cases of a like kind since they have been there.

Q. Has the question ever suggested itself or been considered by the police commissioners as to the legality of a judgment pronounced by men who are not commissioners of police at the time of the charge being made or at the time of the trial had? A. No.

Chairman Lexow.— Do you think, Mr. Goff, it would be legal? Do you think an action by commissioners who did not see the witnesses would be legal?

Mr. Goff.— You know the rule of law, Senator, that after a judge ceases to be a judge any action is *functus officio*. It is a bad rule that won't work both ways.

Senator O'Connor.— How can these two commissioners act on a case they never heard?

Mr. Goff.— Precisely; and they were not in office.

By Chairman Lexow:

Q. In view of the fact, why was not that question decided before Commissioner McClave left the board?

Senator Bradley.— He answered the question.

Sanator Cantor.— If the matter came before the old board, could two commissioners act on it?

Senator O'Connor.— You claim the commissioners ought to have disposed of it before the whole board.

By Chairman Lexow:

Q. When was it? A. The papers in the case were not sent to the board until probably a month or six weeks after the case had been tried; it was very voluminous, and then I believe Commissioner MacLean was out of the board and Commissioner McClave was on the witness-stand, and we were in no shape to take it up.

By Senator Pound:

Q. Do you know what date Commissioner MacLean left the board? A. No, sir; I do not.

By Mr. Goff:

Q. When were you appointed; do you know? A. March 2, 1892, I believe it was.

Q. Well, were you made aware at any time since your appointment, or during the trial of Captain O'Connor, that there was then a case undisposed of against him; a case in which a decision had never been reached? A. I am not sure of that; I may have.

Q. I cite to you from the official records of the board that on March 2, 1891, there was a complaint made against Captain Richard O'Connor for assault, and that complaint has never

been disposed of, or judgment has never been rendered. A. I never heard of the case; it was prior to my time; I never heard of it; my attention was never called to it.

By Chairman Lexow:

Q. Is it possible for the police board to suppress complaints and not bring them to the board?

Mr. Goff.— It is possible; but not probable.

The Witness.— They are never suppressed.

Mr. Goff.— I think Major Kipp is a competent official, and Mr. Peterson has been there a number of years; and I am not disposed to entertain a word or thought of censure against them unless I have a solid reason for doing so.

Senator O'Connor.— The report is that there was a complaint made against him for assault and battery.

Mr. Goff.— Yes, sir.

By Chairman Lexow:

Q. Whose duty was it to bring these papers before the commissioners in those cases? A. As soon as the stenographer writes up the cases they are presented to the commissioners.

Q. Then the commissioners had the case before them? A. Yes, sir.

Q. There was no necessity of the intervention of any other persons at all? A. No.

Q. You mean to say the only reason judgment was not passed on Captain O'Connor's case was because the stenographer's minutes were not presented? A. I believe that was for that reason.

By Mr. Goff:

Q. There are three stenographers employed by the police board? A. Yes; but understand they have about a hundred cases every week to write up.

Q. Those are the ordinary cases of breaches of discipline? A. Some of them are very long.

Q. But the case of Captain O'Connor, as I said, was somewhat marked at the time? A. In the O'Connor case you say that was instituted —

Q. No decision ever reached? A. No; unless it was a vote of two and two.

Q. It did not say so; no decision reached. A. I never heard of the case.

Q. Now, that suggests this question; you say that the papers in the last case, the second case, against Captain O'Connor have been sent to the new commissioners for reading? A. Yes, sir.

Q. How is it that you, as a new commissioner, went in, and the papers in the old case of assault against O'Connor were not sent to you? A. I presume that case was taken up in the board and it might have been a tie; and that disposed of it; and that would not bring it up again.

Q. So these cases by a tie vote may be held up indefinitely? A. There have been such cases.

Q. Well, in regard to this charge with Captain O'Connor, this second charge, I speak of, commissioner, you as a commissioner of police recognize that if the captain was innocent of the charge made against him he should at once be relieved from the odium of such a charge for the good of the force? A. I do; yes, sir.

Q. And do you recognize also, that if he was guilty of such a charge or such an offense, that he should at once be relieved from his command for the good of the police force? A. I do.

Q. Commissioner, recognizing the duty devolving upon the police commissioners, as you have described it now, can you give us any reason whatever why that duty was not performed by the police commissioners in the case of Captain Richard O'Connor? A. I told you that I believe it was chargeable to the fact that Commissioner MacLean went out of the board about the time the papers reached the board; shortly after that Commissioner McClave was put on the witness stand and we were unable to get a quorum together to dispose of that case; Commissioner Martin has often spoken to me about it, and said that case ought to be disposed of.

Q. Have you disposed very promptly of the cases against the captains who were involved by the testimony before this committee; those cases were disposed of promptly? A. We had a full board of commissioners there to sit during those trials.

· By Chairman Lexow :

Q. If there is any question as to the right of incoming commissioners to pass upon this O'Connor case, and a charge of that gravity is pending against a police captain, why hasn't he

been summoned to appear before the board and been tried again? A. I can not answer it.

By Mr. Goff :

Q. Well, we will take the case of Captain Slevin, for instance; do you remember the trial of Captain Slevin? A. Yes, sir.

Q. And you were one of the commissioners presiding at that time? A. I was.

Q. Do you remember the crime against Slevin? A. I do.

Q. What was the charge? A. I think it came up on — let me see a moment — I don't remember how it came up; I think it was a charge of allowing certain disorderly houses to run in his precinct.

Chairman Lexow.— What do you think of that, Mr. Goff. Here is a case we were just discussing, and that was, as to the right of the police commissioners, where a trial had been had, and stopped in this way without judgment, to re-try the person on the same charges.

Mr. Goff.— There is no question about it.

Chairman Lexow.— Is there a right to do that, in your judgment?

Mr. Goff.— Certainly.

Chairman Lexow.— That would not be a bar?

Mr. Goff.— It would be simply as a mis-trial in the court.

Senator O'Connor.— It is not like a disagreement of the jury?

Mr. Goff.— No, not at all.

Senator O'Connor.— They had a case in Pennsylvania where they impaneled a case of murder, and after the jury was impaneled the judge permitted the jury to separate. In the morning he was satisfied he had made an error and he directed the jury to stand aside, against the protest of the defendant, and impaneled a new jury; he pleaded a common form of practice of jeopardy and was sustained by the Supreme Court of Pennsylvania, holding that there being no result in the panel of the jury, he was entitled to be tried before that jury, and there being no trial he had been in jeopardy, and the court had no right to impanel a new jury; would not that same question arise here?

Mr. Goff.— No, Senator.

Senator O'Connor.— Would a question of former jeopardy apply in a trial of a police board?

Mr. Goff.—I do not think it could have any analogy, Senator, for this reason, that the powers of the commissioners are purely correctional and disciplinary; it is not for a conviction of crime, and there has been a distinction drawn in Pennsylvania, a distinction between a felony and a misdemeanor — a capital offense, you may say; but here it does not involve the deprivation of liberty.

Chairman Lexow.—They are not in jeopardy at all?

Mr. Goff.—No.

Senator O'Connor.—They are not tried for violation of law, but for violation of police regulations.

Mr. Goff.—Precisely.

Senator O'Connor.—They may then be convicted and tried for violation of the laws of the State.

Mr. Goff.—Precisely; it has no bearing upon the law of offenses against the State.

By Mr. Goff:

Q. Now, that case against Captain Slevin, commissioner; that was tried around May sometime — or no, it was tried in April, before Commissioner MacLean resigned. A. Before he resigned; before he went out of office.

Q. Well, has any decision been reached in the case of Captain Slevin? A. No, sir.

Q. Has any effort been made by the board to reach a decision? A. Commissioner Martin and I have talked about it.

Q. Have you come to any decision? A. Not yet.

Q. In your talking about it, have you not recognized the necessity of the board formulating a decision upon his case? A. I was anxious to dispose of it.

Q. But you and the president, you being the two old commissioners there, didn't you recognize the danger? A. I am not there very long; I am in there since August.

Q. You and Mr. Martin are comparatively the old commissioners? A. No; Mr. MacLean was there 10 years.

Q. I am speaking in reference to the new commissioners? A. Oh, the present; yes, sir, we are the oldest at present.

Q. Did you not recognize that a duty devolved upon you to see the board active in the matter? A. There was no way to bring about an action; Commissioner McLean had gone out of the board, I believe, before the papers reached us; and Commissioner McClave was engaged down town here some of the time,



I believe, before the committee, and he never afterward returned to the board.

Q. But, Commissioner MacLean was in the board when he heard the testimony? A. He was.

Q. And Commissioner MacLean, yourself and Commissioner Martin formed a majority of the board that could act? A. Yes, sir.

Q. And yet, with that majority, no action was taken? A. As I said I do not believe the papers reached the board until after Commissioner MacLean left it; I am not sure of it, but that is my opinion.

Senator O'Connor.—Will the police records show the fact when they did get the final papers of the case.

Mr. Goff.—No; that is never done, because it is an official relation between the stenographers and the commissioners, and there is no record kept of when they submitted the testimony at all.

By Mr. Goff:

Q. It is a fact that the stenographers have failed to give in the testimony before you in a proper time? A. I do not complain of them at all.

Q. I do not mean that you are complaining of their efficiency; but is it a fact that the board is hampered by the failure of the stenographers to get the testimony before the commissioners? A. No; the board is not hampered by the stenographers.

Q. Now, then, the board not being hampered by the stenographers, can you give any reason why the board of police commissioners that heard the case against Captain Slevin did not decide that case, and why it has not been decided? A. As I said before, that case was tried shortly before Mr. MacLean left the board, and I am in doubt whether the papers ever reached the board prior to his retiring from it, and after his retiring we never had a quorum to act upon it.

Q. Your position is that the two new commissioners had jurisdiction in the O'Connor case; why haven't you had the two new commissioners act on the Slevin case? A. The papers are before them in the Slevin case; they were sent around to the commissioners to read.

Q. Could you tell us how many cases of trials of delinquent officers of all grades of the department were undecided when

Commissioner MacLean left the office? A. I can not; I do not believe there were many.

Q. Well, let me see, as just a snap shot, commissioner, I find that on the 3d of January, 1892, Officer Peter F. Lynch was charged and complained of before the police board for a criminal assault upon a woman in a hospital. A. When was that?

Q. On January 3, 1892; and that there never was a decision upon that case. A. I don't recall the case.

Q. It is of such a very serious and almost unnatural nature, commissioner; do you know if it was ever brought to your notice in any way? A. Was that case tried before me?

Q. No; it was before you were appointed commissioner. A. Oh, that case was probably —

Q. The complaint was filed; I don't know about the trial; but the complaint was filed on January 3, 1892; you were not appointed then. A. I don't know anything about it.

Q. You don't know whether such a trial ever took place before you or not? A. I do not.

Q. And you have never had the testimony of any such case; I single out this case? A. I may have had it sent to me, but I am not sure of it.

Q. We have many cases on the same line, but I single out this case at random, by reason of its unusual revolting circumstances; I ask you if you have any recollection of that case? A. I have not.

Q I find that in July of this year, 1894, the same officer was dismissed the force for a breach of discipline; while the other heinous offense against him was undisposed of; do you remember anything about that? A. We dismissed a number during this year; I can not remember him particularly.

Q. I called this officer Peter F. Lynch, who was dismissed from the force for breach of discipline — A. If the record says it, I suppose it is correct.

Q. Have you any recollection if that was the same officer who was under the heinous charge referred to? A. How can I, when I say I never heard of that charge.

Q. Well, I find here, as this matter must be necessarily of great interest to the Senators when they come to make up their report touching the shortcomings and evils of the department, I further pursue the inquiry; that officer, William Hector, on February 14, 1893, charges were preferred against him on that date,

complaint filed, of using indecent language to a woman and entering her private room; that was after you were commissioner; that case is undisposed of to-day. A. I remember the name; I am familiar with it; I do not know about the case.

Q. Can you give us any reason why that case has been undisposed of? A. No; I can not.

Q. No reason; I find that on March 8, 1893, a complaint was lodged, that is while you were commissioner, a complaint made against Officer Thomas Dolan, for assaulting two women; do you know anything about that case, commissioner? A. Was it tried by me?

Q. I don't know who it was tried by; it was tried during your term of police commissioner. A. I do not recall the case.

Q. No decision has ever been reached in that case? A. I don't know anything about the case.

By Senator O'Connor:

Q. The witness says he does not know anything about the case; is it possible these cases can come before the police board and the commissioners not know about them? A. Senator, those cases are tried before one commissioner.

Q. One? A. Yes; certainly; a different commissioner sits every week, and when the cases are ready for submission to the board they are sent in by the stenographer to the board.

Q. This commissioner takes part in that decision of the case? A. Yes, sir.

Q. Take a case like Captain O'Connor's, do you mean one commissioner would take the testimony in that case? A. No in that case all the commissioners took part.

Q. It is only in the case of roundsmen or patrolmen that one commissioner takes charge? A. We have a hundred cases every week, and one commissioner takes charge, and the full board gives a decision of the penalty, and they do not always take the suggestion of a single commissioner.

By Mr. Goff:

Q. Well, commissioner, you have told the Senators that the ordinary trials generally take place before one commissioner; is it not a fact that the testimony in that case is sent to each

of the commissioners, and the whole board acts upon the case?

A. The whole board acts on it; yes, sir.

Q. So in an ordinary case one commissioner only hears the testimony, but they are all supposed to read the testimony?

A. Yes, sir.

Q. And it is the action of the board, and not of one commissioner? A. The action of the board; yes, sir.

Chairman Lexow.—He added to his statement that they did not take the suggestion of the trial commissioner.

The Witness.—As to the evidence where they are trifling cases, where they are not very important; they are sent around and each commissioner reads the testimony himself.

By Mr. Goff:

Q. These suggestions you speak of by the trial commissioner, are generally made in cases of not very great importance? A. No; they are trivial cases; they state in a brief way what the evidence was, and what the judgment of the commissioner is in reference to it; and it frequently happens that at the meetings of the board the commissioners do not take the judgment of the trial commissioner; but they take the papers and read them over themselves, there in the meeting.

Q. Well, in order to get this matter on record, which we consider of importance, while Commissioner Sheehan is upon the stand; on February 10, 1891, a complaint was made against Officer J. A. Guerin for assaulting two women; that case has never been disposed of, and judgment never entered; do you know anything about that case? A. When was that tried?

Q. February 10, 1891, before your term? A. I never heard of it.

Q. Officer M. J. MacManus, on the 23d of February, 1891, was complained of, and tried for abduction; did you ever hear of that case? A. In 1891?

Q. Yes; for abduction. A. I think my knowledge was brought to that in some way; I don't know how now.

Q. The case is undisposed of; can you give us any reason why that serious charge against Officer MacManus has never been tried, and never disposed of? A. I cannot; that was before my time; but it seems to me, unless I am mistaken, that that case was disposed of and the complaint dismissed.

Q. Commissioner, you are in error. A. I may be; it was before my time.

Q. It has never been disposed of, because we have the official records; on the 10th of July, 1891, Officer Patrick Finn was charged with assault of a citizen; that case has never been disposed of; did you ever hear of that case? A. No; that was a year before my time, almost; I never heard of it.

Q. You can give no answer why that case has never been disposed of? A. No, sir.

Q. On the 9th of July, 1891, Officer Thomas L. Conklin was charged with assault; that charge was never disposed of; can you give us any reason why; or do you know anything about it? A. I never heard of it that I know of now.

Q. In 1891, I have not the exact date, I have omitted it here, Officer Thomas F. Foley was charged with assault on a citizen; do you know anything about that case, or when it was disposed of? A. I know nothing about it.

Q. November 10, 1891, Officer O'Brien was charged with assault on a citizen; do you know anything about that case or why not disposed of? A. I never heard of it; it was prior to my time.

Q. On the 6th of February, 1892, Officer Peter F. Lynch the same officer that I refer to as charged with a heinous offense, in a hospital, was charged with an assault upon a citizen; that case is undisposed of; do you know why; or have you any knowledge concerning the case? A. I have no knowledge of it; that was before I was a commissioner.

Q. On February 21, 1892, Officer James L. Smith was charged with an assault upon a citizen; that case was never disposed of; do you know anything about that? A. I do not recall the case.

Q. It is but proper to say that that officer is dead; but at the time of his death that case was undisposed of. A. When did he die?

Mr. Goff.—I have not the date, sir.

By Senator Pound :

Q. And Officer Lynch has been dismissed from the force? A. Yes, sir.

By Mr. Goff :

Q. That is, as we say, for a breach of discipline? A. Understand, in dismissing Officer Lynch his record was taken into consideration, and probably the former case is undecided.

Q. That might be true, but he may go on year after year committing heinous offenses on women and assaults on citizens, and it is only when he has committed breaches of discipline that his case is disposed of? A. I don't know that he has been guilty of assaults; all former trials are taken into consideration; the record of the officer is taken into consideration; in Lynch's case you might fine him thirty days, and the next time he might come up on a charge not so severe, and the commissioners might take into consideration the former charges and dismiss him.

Q. The record before this committee, and heard before the commissioners, and the record here, as in the case of Peter F. Lynch, of officers charged with a commission of heinous offenses, and those cases you will find are hung up; and it is only when he commits a breach of discipline, or sassing his superior officer, for instance, that he is dismissed the force? A. Have you shown what his conviction was on that trial; probably the evidence showed he was not guilty.

Q. I am not asking whether the man was guilty or innocent; I am only taking the record of a serious charge, as this officer, Peter F. Lynch, is charged, and Officer Dolan, also that on such serious charges as Officer MacManus, of abduction, any one of which was that of felony, for which he might have received 10 years; that none of these cases were disposed of by the board. A. I see what you mean.

Q. That is the point? A. Yes.

Q. Because, I said before, it goes without saying, that if the officer was innocent he should have been promptly acquitted of the charge, and if he was guilty his place was in Sing Sing, instead of wearing the police uniform. A. I agree with you there.

Q. And yet, for all the commissioner knows, for all he may have done, the man may be guilty and yet wearing the uniform of the police court, where he should be wearing the stripes in Sing Sing; that may be the case? A. That may be.

Chairman Lexow.—The record you put in evidence — I think it is in evidence — seemed to indicate that it was the general practice of the force to overlook felonies, to overlook the com-

mission of great crimes, and to discharge or dismiss a policeman for a breach of the disciplinary rules of the force. .

Mr. Goff.—That is the record of it, there on the records.

By Mr. Goff:

Q. I will pursue this so as to get it on the record; on the 12th of July, 1893, Officer Emil Oppenheimer was charged with assault on a citizen; that was after your time; that case was undisposed of; do you know why? A. I do not.

Q. Have you any recollection of the case? A. I don't know as my attention was ever called to it; not that I think of now.

Q. On September 20, 1893, Officer Patrick J. Kane was complained of and charged with assault on a citizen; that case has been undisposed of; can you give any reason why; or have you any knowledge concerning the case? A. It seems to me I tried an officer of that name, and the papers were sent around to the commissioners to read, and I think within the last week or 10 days the papers were returned to me; they came to me from Commissioner Kerwin; I am not certain that is the case, but I think it is.

Q. If that be the case, commissioner, making allowance for your possible mistake in the identity of the case, it would appear that from the time the complaint was made on September 20, 1893, against this officer up to the present time, the papers have been circulating around among the commissioners and no decision reached? A. At the time Commissioner McClave left the board there were a great many cases before him unread and undisposed of, and unread by the other commissioners; I won't say that was one of them, but this case reached me a few days ago, and I would have presented it to the police board if I had time to get away from the requirements of this committee to attend to my duties as police commissioner.

By Chairman Lexow:

Q. Mr. Commissioner, when you try these cases, are you governed at all in your action by the consideration that a person charged as committing a felony, without reference to felonies or are you simply looking after the discipline of the force without reference to the felonies or commission of crimes by officers? A. We have nothing to do with the felonies; that is the duty of the grand jury.

Q. That is what we are trying to get at; you do not consider

it a matter that is important in your trial for investigation to ascertain whether a man who wears the uniform of the force is a criminal? A. If we consider that, we send word to the district attorney to investigate.

Q. So far as your own action is concerned, do you mean that we shall understand that you do not base your action upon any proposition of felony on the part of the officer, but simply for a breach or infraction of discipline of the force? A. We can only punish for breach of the regulations; we have no right to try a man for felony.

Q. I am not speaking of trying him for felony, but when you come to your conclusion upon a case brought before you, do you consider the felony in the case at all, or do you consider the breach of discipline? A. We can only consider the breach of the rules of the department; we can only consider that which the law gives us a right to consider—a breach of discipline and a violation of the rules of the police department.

By Mr. Goff:

Q. Right upon that line suggested by the question of Senator Lexow, you recognize it is a duty of the police commissioners of the city to enforce the criminal law of the city? A. Yes, sir.

Q. And to aid in the prosecution of offenses? A. Yes, sir.

Q. Now, in many cases here on record, no doubt in many cases within your own knowledge, officers have been convicted of breaches of discipline or violation of the rules or matters which involved a felony; having that knowledge before you, and finding him guilty of that act, do you not consider it to be your duty as a police commissioner to send that case to the district attorney or call his attention to it? A. I have no knowledge of any such thing.

Q. Do you mean to say that you have no knowledge now of ever finding the police board during your term of office—of course I confine it to your term—of ever finding an officer guilty of an offense, which, in addition to being a breach of disciplinary rules, was also a felony against the laws of this State? A. There have been some occasions where we called the attention of the district attorney to them.

Q. Will you name one case where you called the district attorney's attention? A. I can not now.

Q. I will name one case; I will name you the one case of Oppenheimer; wasn't it for oppression of a citizen down here;



that is the Kress case; do you remember Kress, the saloon-keeper, made a complaint against the officer? A. What officer?

Q. I will get the name of it; but it is a recent case this year; he made the complaint against the officer for arresting him because he refused to give him \$25; do you remember that case; it occurred down here; I think in Maiden lane? A. I do not remember the case.

Q. Well, that case, I call your attention to it, because it was a remarkable case? A. I don't know anything about it; I don't know what case it is.

Q. Officer William Dwyer, in this year; do you remember the case of William Dwyer? A. No; I remember reading something about that case.

Q. William Dwyer arrested and falsely accused Henry Kress, of 72 Nassau street; do you remember that, on the 20th of March, 1894; do you remember that charge? A. I remember reading something about it; I remember reading or hearing from some source that one of the counsel of this committee was in the saloon at the time.

Q. Yes. A. I believe it is the same case.

Q. What counsel of this committee was in the saloon at that same time? A. I do not know; I read it in the paper, or heard somebody say it.

Q. Well, that little incident fastened itself upon your memory? A. Certainly.

Q. Now, since the incident fastened itself upon your memory— A. I am not sure this is the case.

Q. Well, we will talk about any case; since that little incident was of sufficient importance to fasten itself upon your memory, that one of the counsel of this committee was in the saloon, which one of the counsel? A. I was not sure, Mr. Goff.

Q. Was it Mr. Moss; he is a total abstainer, however; at least he tells us so? (No answer).

Q. Well, commissioner, of course that is a gratuitous compliment on your part, and not connected with the question or answer; but we will take it; Mr. Jerome was the man referred to, and he was on the duty of this committee as counsel-at-law. A. I don't know what duty he was on; but he was counsel of this committee.

Q. It was a case where he went to this room in Chambers street on the duty of this committee; and he happened to be

fortunate enough to see a case—a case at that time of police oppression and brutality, that came before this committee. A. No speeches, but try the case.

Q. Not at all; but your polite insinuation to me merited it; you touched my associate; you touched myself. A. It was not any reflection upon your associate.

Q. Now, commissioner, I come back to the Kress case; which was a case that occurred March 30, after this committee was appointed, and occasioned very widespread comment in the newspapers at the time; have you any personal recollection of it now? A. What was the name of the officer?

Q. The officer's name was William Dwyer. He was charged with — ?

Q. With oppression and convicted criminally of oppression of this saloonkeeper? A. Convicted of it?

Q. Convicted of it. A. I may have heard of it; I do not recall it.

Q. Do you remember passing judgment upon him? A. I don't recall it now.

Q. Well, the board of commissioners did not pass judgment upon him; but the charge was made. A. They probably deferred their action awaiting the grand jury's action.

Q. That is the only case they did defer their action and the Court of Sessions sent him to the penitentiary. A. They defer their action in many cases which are before the grand jury.

Q. Name us one, please? A. I can't name any, now.

Q. Well, Captain O'Connor's case was not before the grand jury, and they deferred that. A. It is a question whether he has committed a crime.

Q. It is a question for you to determine, which you have not determined. A. That is before the grand jury too, I understand.

Q. Which, the case of Captain O'Connor? A. I understood that Mr. Mason went before the grand jury; I don't know whether it was on that case or not.

Q. No, commissioner, I will correct you; that was a charge of assault against Officer Sheridan, who was in the pool-room long before O'Connor. A. Growing out of that case.

Q. Another is the case of Captain Slevin before the grand jury, and no decision has been reached in that? A. No, sir; I gave my reasons why they were not reached.

Q. From what you say about a crime, you recognize, commissioner, that if Police Captain Slevin be guilty of a breach of the rules of the department in not suppressing disorderly houses in his precinct, he is also guilty of crime under the laws of the State? A. Yes, sir.

Q. And in the case of Captain O'Connor the same question arose? A. Yes, sir; if they are guilty.

Q. Yes, I am assuming that; now, commissioner, can you give us any reason whatever, other than you have given, why the cases of Captain O'Connor and Slevin have not been disposed of by the police board? A. I think the reasons I gave are very sufficient and very ample, and I have not additional reasons to give.

Q. Has there been any rumor, or is there any truth in the rumor around police headquarters, that they have been protected because they had a pull among the higher police officers? A. There is no such rumor in police circles and no foundation for such rumors.

Q. And if there are any such rumors, there is no truth in them? A. No truth whatever.

Q. Have you been spoken to by any person in behalf of those police captains? A. I can not say that I have; somebody may have said, O'Connor is a good fellow, or something of that kind, but I can not recall it; it would not make any difference to me.

Q. I ask you if you have been approached or spoken to by any person in authority? A. No, sir; I have not.

Q. Occupying any high official position? A. I have not by any person.

Q. Has it been suggested to you, or to your knowledge to your brother commissioners, to defer action in his case? A. Suggested to me by some person?

Q. Yes. A. No; by no person living.

Q. Has it been suggested to your brother commissioners? A. I never heard of such a thing, and don't believe it ever was.

Q. And, so far as you know now, there is no reason exists for a failure to pass upon either of those captains' cases except the ones you gave here? A. I know of no other.

Q. On November 21, 1893, Officer John Cotterell was complained of and charged with assault upon citizens; that case has not been disposed of; can you state, Mr. Commissioner, why, or do you know anything about it? A. When was it tried?

Q. November 21, 1893. A. And what is the charge?

Q. Assaulted citizens, and assaults upon citizens. A. If I knew who made the complaints, I might be able to recall it; have you got the complainant's name?

Q. No; we have an abstract of it; we have the complaint here. A. Cotterell; the name is familiar, but I don't know as I know of that case.

Q. Well, there is a detective in the bureau by the name of Cotterell, I think. A. I believe there is.

Q. So you may confound one with the other. A. If I heard the case I might know something about it.

Q. This was a Central office man; had that anything to do with the little entertainment which a couple of police officers furnished the diners in O'Neill's restaurant in Sixth avenue? A. What is that?

Q. You remember a little entertainment the police officers furnished the diners in O'Neil's restaurant in Sixth avenue A?. A. Do I remember it; how can I remember it; was I there?

Q. I don't know whether you were there or not; it is a respectable place. A. Yes; one of the finest in New York city.

Q. Did you know of police officers clubbing each other in that restaurant? A. Police officers?

Q. Yes; sir. A. I heard of some difficulty that took place there on one occasion.

Q. Between police officers? A. Between two detectives, I believe.

Q. They are police officers? A. Yes, sir.

Q. And they openly fought there? A. I did not hear that; I heard they were very noisy and boisterous and endeavored to create a difficulty.

Q. Did you ever express yourself in regard to those officers? A. I believe I called the attention of the board to that transaction; the matter was referred to the superintendent of police to investigate and report, and he did investigate and report; my motion was to this effect, that the matter be referred to the superintendent of police to investigate, and if any of the charges referred to were true, to prefer charges against those officers; and the superintendent of police reported that there was no reason to put the men on trial; and, in order to be in accord with the superintendent of police, the board approved of that report;

that is the last I heard of it; I referred to it on two or three occasions since.

Q. These two men were detective sergeants? A. Yes, sir.

Q. Detective sergeants? A. I do not know whether they were detective sergeants or not; they were central office men; and, understand, I am not going to say that I believed all the superintendent said in his report.

Q. Well, now from what you read in the newspaper reports concerning that affray in the oyster saloon — A. I did not read anything in the papers.

Senator O'Connor.— Have the commissioners the right to put them on trial without the report of the superintendent?

The Witness.— Mr. Goff, understand, I never read anything in the newspapers about it.

Q. You must have heard of it. A. My attention was called to it by an anonymous letter; I think there was some sort of letter written to the other commissioners.

Q. Your attention was called to it so that you called it to the attention of the board? A. I looked it up, and called the attention of Mr. O'Neill about it.

Q. You said a moment ago you did not wish to express your belief in all the superintendent said; do you mean to imply that you doubted the accuracy of the superintendent's report concerning that transaction? A. I mean to say this, that when a report came in from the superintendent stating that there was no reason to put the officers on trial, I did not believe it was just as accurate as it ought to be made; probably, I suppose, he made the report on information he derived from Mr. O'Neill on investigation, and he probably came to the conclusion the officer would not be put on trial.

Q. But you had the power to direct the superintendent to prefer formal charges against these officers; you had the power to do that, did you not? A. No, sir.

Q. Didn't you direct him to prefer charges against the police captains that were dismissed from the force this summer? A. I did not; the board did.

Q. The board did? A. Yes, sir.

Q. Now, I ask you, the board had the power in that case that you speak of to direct the superintendent to formulate charges against these fighting officers, hadn't they? A. I told you I offered a resolution.

Q. Answer my question, please; the board had the power

to direct the superintendent to formulate charges against those officers? A. Yes, sir; they disbelieved the report of the superintendent.

Q. You say, as one of the commissioners, you had your doubts about the truth or accuracy of that report; why did you not move before the police board that the commissioners direct the superintendent to formulate charges so that they could satisfy themselves by a judicial examination? A. At that time we were very much mixed up in this investigation, I believe, and I remember that I asked that the communication of the superintendent be filed for reconsideration and laid on the table until some future day, when I could call it up again, and I mean to call it up again.

Q. Do you mean to imply now, or suggest by your answer, that any failure on the part of the police board to proceed to disciplinary measures had been occasioned by being mixed up in the investigation of the Senate committee? A. Oh, no.

Q. On November 21, 1893, Officer Maurice Bopnois —

By Chairman Lexow:

Q. I just want to ask him a question; you consider the superintendent under your orders, don't you? A. The superintendent is the executive head of the police department, and is empowered by law to do certain acts, and we have no control over him in any way, shape or form.

Q. Don't you consider under the law that you have control over him and can interfere with him? A. No, sir; where his duties are defined by law, we have no control over him, and never attempt to control him.

Q. Is there any conflict between the board and superintendent? A. Not the slightest; all the board wants the superintendent to do is to go on and perform his duties, and do that faithfully, and as long as he does that he has no friction with the police board.

By Mr. Goff:

Q. I read from the rules of your department laws, the edition of 1894: "Rule 1.—The police department of the city of New York consists of a board of police, composed of four commissioners appointed by the mayor, and the police force and officers

appointed by said board. Rule 2.—The board of police is the head of the police department, its business and affairs; is invested with and exercises all the power conferred by law upon the police department. Rule 3.—The government and discipline of the police department shall be such as the board of police may from time to time by rules and regulations prescribe.”

Senator O'Connor.—Is that under the statute?

Mr. Goff.—That is from the statute; the embodiment of the statute; “the territorial jurisdiction and authority of the board of police and police force under their direction are coextensive with the territorial limits of the city of New York;” now, after reading the rules of your own department, will you please explain to us what you mean by your frequent use of the phrase, “The superintendent is the executive of the department.” A. Turn right to the rule; there you have got it in your hand.

Q. I am asking you here? A. I am giving you the law; you have got it in your hand.

Q. What is it? A. That the superintendent of police is the chief executive officer of the police department; and he is supposed and required to execute and enforce all laws and ordinances of the city and county of New York

By Chairman Lexow:

Q. But he is required by law to enforce your orders, is he not? A. All laws and ordinances; the law is quoted there.

Q. The rules you make and the orders you issue to him he is bound to obey? A. The rules we make are taken from the statute; and the the statute themselves.

By Mr. Goff:

Q. “The board of police is the head of the police department, governs and controls the department, its business and its affairs.” That is very plain language? A. That is very plain; yes, sir.

Q. Is there any higher power in existence in police matters than the board of police? A. There is not.

Q. The rule says the board of police is the head of the department and governs the department? A. Yes, sir.

By Senator O'Connor:

Q. For a failure of the superintendent to enforce the rules and regulations can he be put on trial by the police board? A. Yes, certainly.

By Mr. Goff:

Q. You have the same right to try the superintendent of police as you have to try a patrolman? A. If he violates the rules, yes; if we had any proof of the fact that the superintendent was not performing his duties.

Q. You have the power to try the superintendent for a violation of the rules of the department, or of your orders? A. Certainly.

Q. The same as you have to try a common, ordinary patrolman upon charges? A. Certainly; that is true.

By Senator O'Connor:

Q. You take in that connection all these disclosures made before this committee of the conduct of the police; and their levying blackmail on the different houses and other business here; can you account how that thing could exist here, and the superintendent of police not know it? A. I can not account for it; I think he ought to know it; because he comes more in contact with the police force than anybody else; he is the head of the police force, and he comes in contact with them daily; whereas the commissioners hardly ever see them, or come in contact with them.

Q. You think the condition of affairs is largely chargeable to him? A. I do not say that.

Q. He ought to know it; and fails to suppress it; and why is he not responsible for it? A. His attention may not have been brought to it.

Q. You say you knew of the existence of blackmail; and it was called to the attention of the police? A. I did not say that.

Q. You say you knew of protection paid by poolrooms? A. I did not use the word "protection;" I said I believed that the poolrooms were paying protection to some one.

Q. Do you mean to correct your testimony if you used the word protection? A. No matter how I used it.

Q. You say the superintendent had better facilities for ascer-



taining these facts than you have, and yet you knew the facts; do you mean to say the superintendent was chargeable with neglect of duty because he did not investigate these matters and close these poolrooms? A. They were evidently violating no law at that time, according to the decision of the Supreme Court and Court of Appeals.

By Senator O'Connor :

Q. That is the decision referred to? A. Yes, sir.

Q. Why would not this be a good point to take up that decision and see what it is.

Mr. Goff.— We will have it here in a moment.

By Chairman Lexow :

Q. But without reference to this poolroom business, it has been a matter of general notoriety throughout this city, has it not, for years, and not only poolrooms, but every class of crime in this city have been paying tribute, and you, as commissioner, have read from day to day charges of specific gambling houses and other criminal and quasi-criminal resorts being kept open under protection of the police? A. I never read anything of the kind; I may have heard of it; I may have read something about some portion here and there; but I have not read any such thing daily.

Q. Do you mean to say as police commissioner in this city for two years, you have not heard for the last two years charges being made from time to time weekly, and even daily, of protection money being paid by almost every class of crime and vice in the city? A. I mean to say that, yes; I may have heard it occasionally, but could not trace it.

Q. Do you mean to say you have not heard during that period of time that this class of blackmail was levied upon houses of prostitution? A. Why, I may have heard that during Mayor Hewitt's time, when he said there was corruption in the police department, and he was endeavoring to place it, and could not do it.

Q. Have you known of those facts? A. I have heard very little of it while I was police commissioner; I think there was less of it during my term than there was prior to it; during that time we had Tammany Hall commissioners and tried to stop it.

Q. Have you heard of any one case during the two years? A. Any specific case?

Q. Yes. A. No; I may have read or heard something.

Q. How many times during those two years have you heard that protection money was being paid for any class of crime or vice in this city to the police? A. I can not tell you; I may have read it occasionally in the newspapers.

Q. State approximately. A. I can not tell you.

Q. Will you swear you have not heard it daily? A. I will swear positively.

Q. Will you swear you have not heard it weekly during that time? A. I will.

Q. Or monthly? A. Or monthly.

Q. Then you have not heard it 24 times during the two years you have been police commissioner? A. I would not say that.

Q. You said you had not heard it monthly? A. I don't think I have heard it 24 times.

Q. Will you swear you have not heard it 24 times? A. I will.

Q. Will you swear you have not heard specific charges of money being paid for protection during the time you have been commissioner? A. Only what I read in the newspapers.

Q. Haven't you read the newspapers in this city, not only calling the attention of the police commissioners to the existence of these crimes, but designating the houses that were being kept open, giving their street number and owners? A. Yes, sir.

Q. Haven't you ever made an investigation? A. The matter was referred to the superintendent, to make a report.

Q. Do you propose to put yourself on record as saying that the superintendent was better qualified, and that his facilities were better to ascertain the truth of these facts than yours? A. He has all the facilities, and we have none.

Q. Was it your judgment that he was negligent in having tracked down this offense? A. I am not prepared to say that.

Q. Won't you give us an opinion on the subject? A. No; I will not; put him on the stand and get his judgment of it.

Q. This is one of your — now, Mr. Grant, that is objectionable, sir.

The Witness.— I do not have to look to Mr. Grant for any information. I was not looking at Mr. Grant.

Q. Do you not consider it one of your duties as police commissioner, with reference to the discipline of your force, to see

and ascertain whether or not these charges were true? A. Yes; through the superintendent.

Q. And has the superintendent reported on these specific cases to you from time to time? A. On some cases he has reported that there was no foundation for those reports.

Q. These charges made in the public prints? A. You have got to point them out first; I do not believe one-tenth of what they say; we have investigated everything of the kind that was brought to our attention.

By Senator O'Connor:

Q. You have followed with a great deal of attention disclosures before this committee? A. I have not read the testimony at all, except the first three or four days.

Q. You have not; you had many of these officers before your board on trial as the result of examination before the committee? A. Yes.

Q. Now, the condition of affairs is that you dismissed many of these officers? A. Some of them, yes, sir; or we tried to believe.

Q. That showed a bad condition of affairs in New York, did not, among the police? A. Well, it was not very creditable.

Q. Now, what do you say as to whether or not the superintendent of the police force of New York city, here, having facilities he has got, ought to have discovered these things, and he ought to have taken measures to stop them, say yes; that he had all power, and had more facilities than the commissioners had.

Q. Does your board rely on the superintendent? A. Certainly, we must.

Q. To do these things? A. We did rely on him; it is in that way.

Q. It must result, in the failure to suppress the charge to the superintendent? A. He is charged with the violation of the laws, and not the commissioners.

Q. You don't devolve the whole matter on the superintendent's shoulders without taking any action? A. We are not putting anything on the superintendent.

Q. You are putting the execution of the law in his hands? A. Entirely on his shoulders.

Q. Don't you consider it your duty as police commissioners to pay some attention to it besides shifting it on the superintendent? A. We do all we can.

Q. Did you call on the officers of the board, since you have confidence in him? A. Yes, sir.

Q. Has there been any occasion for lack of confidence in the superintendent? A. Not as yet.

Q. Even in view of all the disclosures made before this committee you still have confidence? A. No; I will not say that.

By Chairman Lexow:

Q. Then it is your judgment that this thing ought to have been discovered before by the executive branch of the police department? A. It may have been impossible for him to discover it.

By Senator Bradley:

Q. Do you really think that a disorderly house or gambling-house in New York city could exist for 48 hours without the police officials knowing it? A. No, sir; it may have.

By Chairman Lexow:

Q. In your judgment it could not? A. It might exist longer than 48 hours and they not know it; it could not exist very long.

By Senator O'Connor:

Q. In your judgment, if the superintendent exercises the powers vested in him by law, and the appliances he has for enforcing whether the law is being executed, this entire system exposed before the committee could have been suppressed if the superintendent has all power and could have

suppressed it? A. Yes; certainly.

By Senator Bradley:

Q. Is it on the shoulders of the superintendent? A. Yes, everything on the superintendent; I am showing

By Mr. Goff:

Q. You say that you have heard of these things only from the newspapers; do I understand you correctly? A. Heard of it; no, sir.

Q. When the charges that places in violation of law were running and were protected by the police? A. I am not going to say I saw any such thing; I read stories from time to time in the newspapers charging certain things against the police; and I am not going to admit what they were until I see them now.

Q. That is the source of your information? A. That is the only information I ever had on this subject; I never had any personal information from officials or otherwise.

Q. You never brought it up in the police board? A. I never had anything to bring up; the subject was never brought before the police board; Commissioner Martin and I often talked on the subject, and said we wanted to get at the root of this thing; and could not find anything to work on.

By Chairman Lexow:

Q. Did you ever ask the superintendent to file charges? A. It was made his duty under the statute to file charges.

Q. Don't you know the charge has been made that police captains were taking blackmail? A. I know; yes, sir.

Q. Don't you know specific charges were made against specific captains? A. When?

Q. In the newspaper prints from day to day. A. Since this committee came?

Q. Before? A. No; I did not.

Q. Do you mean to say that you never read in the newspapers of Captain Devery being so charged? A. Prior to this committee?

Q. Yes; long prior. A. I don't remember anything of that kind.

Q. Or Captain Dougherty? A. No.

Q. Will you swear you did not? A. I remember a communication to the board of the Society for the Prevention of Crime.

Q. Was there any notice taken by the police department? A. Certainly; it was investigated in the way required by the rules and regulations of the police department.

Q. Did you have the captain put on trial? A. No, sir; the superintendent reported there was no reason for it.

Q. What sort of opinion have you of the detective force of this city, if you have not been able for years to ascertain this corruption that we, with private methods, and certainly much less efficiency, so far as length of service is concerned, have been able to dig out this nest of corruption? A. I often expressed myself as having no confidence in the detective bureau; they have very able men, and good detectives connected with it; but I have expressed myself frequently as having no confidence in that bureau.

By Senator Bradley:

Q. You admit that they are a failure? A. I did not say that; I said I had no confidence.

By Mr. Goff:

Q. I put a question to you before about these reports of corruption, houses running in violation of law, and you said you derived your information from the newspaper; were there ever formal complaints made to the board? A. In almost all cases they were investigated, so far as my knowledge leads me now, in the usual way by the superintendent.

Q. What? A. In the regular way provided by the rules and regulations by the superintendent.

Q. Do you remember reading a report from Inspector Williams, recorded in the New York World, October 21, 1893, in which he says: "I have given the communication from Dr. Parkhurst, and its charges are alleged open immorality in the Eleventh precinct, and of intimated criminality on the part of Captain Devery in permitting such places to exist, the closest possible attention and investigation. I find these charges are without foundation." "I will further state that the report made by Captain Devery last August on a similar communication was true; also that my report on that occasion was true; and that there was positively no misrepresentation of any kind in either of these reports. As to gambling in the Eleventh precinct, there is none, and any person who says that gambling is carried on there, tells a deliberate and malicious falsehood. The alleged disorderly houses in the precinct were visited by officers in citizens' clothes, under my direction, previous to October 4th, and since October 4th up to date, and no violation of law was found. On receipt of this communication, I detailed

officers from outside the Eleventh precinct to visit at irregular hours those houses, and in no cases could they gain admittance or procure evidence that would show that the law was in any way violated. I have also frequently visited the streets and passed the houses mentioned in the communication, and have failed to find any of the open profligacy or foul contamination from which the writers of the communication would make it appear that youthful escape was a moral impossibility; and any person who would make such a statement in face of the actual condition of the precinct has no regard for truth or his moral obligations. In conclusion it is admitted by the signers of the communication that it is a personal attack upon Captain Devery and not against disorderly houses, and the false accusations therein contained would never have been made had not Captain Devery caused the arrest and conviction of the superintendent of the Society for Suppression of Vice for blackmail;" do you remember that interesting report of Inspector Williams? A. I remember that some such report, together with the report of the superintendent was sent to the police board.

Q. I am asking you about one report; let us deal with one at a time? A. That was transmitted by the superintendent of police.

Q. Of course he was the proper channel through which it should be transmitted; now, as a basis of that investigation you had received — as a board, I am speaking now, commissioner — you had received written communications from Dr. Parkhurst and other persons concerning open immorality and criminality practised in the Eleventh precinct, had you not? A. There was a communication sent to the board.

Q. And as the result of that communication, you called the superintendent to inquire? A. To make an investigation and report to the board.

Q. And the superintendent directed the inspector of that district, I presume, to make his report? A. I don't know what he did.

Q. Is not that the ordinary way that the superintendent would hold the officer next to him responsible? A. Yes, sir.

Q. And the inspector of that precinct was the immediate one responsible to the superintendent? A. Yes, sir.

Q. And Williams being the inspector of that district, makes the report I have read? A. Certainly; that is it.

Q. Now, in that complaint to the police board, Dr. Parkhurst and other gentlemen mentioned certain houses, giving the address and street, which they claimed were disorderly houses, and were running in open violation of law, and with the knowledge of the police; do you remember that communication? A. I do, sir.

Q. The proceedings of the board are reported; I will not read the numbers of those houses; I will refer to them later; "Unless there is objection, the reports will be filed, said President Martin, with a quiet smile, as Chief Clerk Kipp concluded the reading; I move that the inspector and captain mentioned in the communication be given permission to bring action for libel against the signers of the papers, said Commissioner MacLean, emphatically." A. Commissioner who?

Q. MacLean; he moved that they be given — I wish to repeat that, "Commissioner MacLean moved that the inspector and the captain who were libelled apparently by the communication from Dr. Parkhurst and the other parties, to give permission of the board to sue these parties for libel, because it appears that from Inspector Williams' report, both he and Captain Devery were grossly libelled; were two white-souled honest men; and Commissioner MacLean moved that these two white-souled, innocent men be given permission to sue the writers of the libel;" "Has that been asked for, exclaimed the president; I think it is premature; the clerk will call the roll on the commissioner's motion; Commissioner MacLean was the only one voting aye; Mr. McClave was in Chicago; the papers were then placed on file;" do you remember voting on that motion? A. I perhaps did.

Q. And you voted against giving the innocent officials a chance to vindicate their character by suing the persons for libel? A. I thought it was premature, and if they wanted permission, they could ask the board.

Q. Don't you think Commissioner MacLean's suggestion, coming from a brother commissioner, that it would have been a gracious act on the part of the board of police to give them the permission, these wronged and slandered officers, to give them permission to vindicate their character by law against their defamers? A. There was no occasion for granting what they did not ask for.

Q. Don't you think that Commissioner MacLean was a grade higher than they?



Q. When a brother commissioner asks for it, and for the honor of the department, as well as the credit for these officers, didn't you think it was asked for them in the sense of the request? A. No; I thing the officers themselves ought to ask for it if they wanted to bring suit.

By Chairman Lexow:

Q. Have the officers suggested to you or Commissioner Martin that they did not want a vindication at the hands of the law? A. No, sir.

By Mr. Goff:

Q. Why didn't you then say, let us hear form these officers; why didn't you ask them to be inquired of as to whether they wanted to sue for libel or not in order to vindicate not only themselves but the department? A. That was their duty not mine.

Q. Don't you think an accusation against a police inspector and against a police captain affects the whole department as well as the individual.

Q. Is it not the business of the department to see that its officers are protected from worthless and slanderous charges as far as lies in its power? A. They ought to be protected.

Q. And you, as a lawyer, knew that if these charges were false, and on their face libelous, that the only way for these officers to vindicate themselves for their own reputation and that of the department, was to sue for libel? A. It would have been a good way to do it.

Q. You recognized it? A. Yes, sir.

Q. And yet you voted against your brother commissioners' request that they be allowed to sue for libel? A. If they had asked for it, I would have cheerfully given that.

Q. Do you think the time ever was or ever will come when Alexander S. Williams will ask permission to sue any writer or newspaper writer for libel? A. I am not testifying on supposition; I am testifying as to facts.

Q. I know you are testifying to facts; now, I ask you for your knowledge, and I have a right to ask you? A. What knowledge have I got whether he would bring a suit against any newspaper.

Q. Have you any opinion? A. I have not got an opinion, and have no right to have it; that is ridiculous.

Q. "Well, gentlemen, then, said Mr. Sheehan, I believe it will be conceded that since I have been a member of this board, I have always been inclined to favor Dr. Parkhurst in furnishing him and his society with any documents or information that we might have which would be of service to his society, for the reason that I thought he was honestly endeavoring to perform what he considered public duty. I find, however, that I have been entirely mistaken;" well, now, commissioner, giving you just credit for your good intentions toward Dr. Parkhurst, as to furnishing him with documents, etc., on the supposition that he was doing what he considered a public duty, you say now, "I find, however, that I have been entirely mistaken;" what was it that let in a ray of information upon your understanding? A. Dr. Parkhurst's own statement.

Q. What was that statement? A. He stated in a public interview on the day before that he was not fighting gambling-houses and bawdy-houses, and other places where the law was violated; that his sole intention was to fight Tammany Hall, and when he announced that was the fact I considered —

Q. That settled your opinion as to whether he was doing a public duty? A. I considered he was doing a public duty until that time.

Q. Within the past two years you have read interviews given to the newspapers by Dr. Parkhurst in which he says that he wished to be distinctly understood that he and his associates were not fighting disorderly-houses, saloons, and gambling-houses; that they were fighting Tammany Hall; the public had been led to believe otherwise; the people supposed that the one object and end of Dr. Parkhurst and his society was war on the saloons, disorderly-houses and gambling-houses? A. I never used the word saloon.

Q. What is that? A. I never used the word saloon.

Q. You did not use the word saloon; all right; that will be stricken out — disorderly and gambling-houses? A. I made reference to some thing of that kind; it is substantially correct.

Q. You said a little while ago in answer to the chairman that you did not pay any attention to the charges of newspapers, and that you did not believe what they contained touching the blackmail, etc., in the police department? A. I did not say I did not believe it.

Q. You said you did not pay any attention? A. That is it.

By Chairman Lexow:

Q. Did you believe it? A. I believed there has been corruption in the police department for 20 years.

Q. Did you believe it during those two years you were commissioner before this committee came down to investigate? A. I thought there was corruption going on, but there was no way to reach it.

By Mr. Goff:

Q. How is it that you gave such ready credence to a reported interview with Dr. Parkhurst on the question of his opposition to Tammany Hall, and not the gambling saloons, etc., you seemed to give that ready credence? A. Certainly; he announced in so many words that he was fighting that.

Q. It was in the newspapers, and you believed that in the newspapers? A. He was quoted verbatim, in his own language.

By Senator Lexow:

Q. Are we to understand from that that you want to be put on record as saying that you would not permit information to go out with reference to documents in the police department that showed corruption or anything else of that kind, provided that you thought it was an attack against Tammany Hall? A. Nothing of the kind, sir; and I have said nothing of the kind.

Q. You mean that to be understood from your interview there? A. I mean nothing of the kind understood, and there is nothing of the kind intimated.

By Mr. Goff:

Q. You go to say, and you seemed to be quoted verbatim — that is the inverted comas or quotations — “Has the reverend gentleman’s vocation departed, or is he only coming out now under his true colors; it seems to me, concluded the commissioner, that henceforth no attention whatever should be paid by this board to any communication from Dr. Parkhurst or his society; his howlings shall receive only the same attention as given to other Republican stump speakers who are continually howling for the destruction of the Democratic party?” A. I probably used those words, and I stick by them still.

Q. Well, are the speakers, whether Republican or Democratic, that are howling for the reorganization of the police department

howling for the destruction of the Democratic party? A. Howling—most of them.

Q. Howling for the destruction of the Democratic party?

A. Certainly.

By Senator O'Connor:

Q. Don't you think it ought to be destroyed? A. No, sir; I do not think you are able to destroy it.

By Mr. Goff:

Q. I proposed to avoid as far as I can all questions relative to the different parties; but I must necessarily bring them in occasionally? A. That is all right, Mr. Goff.

Q. It has been suggested by Mr. Moss to-day, Mr. Grant in his letter of acceptance this morning that the police department ought to be reorganized, and that the horrible revelations must be discontinued; do you think Mr. Grant is howling for the destruction of the Democratic party? A. Mr. Goff, I have not read Mr. Grant's very able argument.

Q. How do you know it is very able? A. If it comes from Mr. Grant it is very able.

Q. And you assume it, very truly, Mr. Commissioner, as we all know Mr. Grant's ability to originate able arguments? A. Mr. Grant is a man of great ability; you have no right to insult him.

Chairman Lexow.—I tell you to obey what the chair tells you, and answer the questions.

Q. Mr. Chairman, no one has insulted or attempted to insult anybody; there is no attempt whatever to insult Mr. Grant not by me, because my relations with him are friendly, and always have been friendly? A. I am glad to know that.

Q. Mr. Goff.—And no words will ever escape my lips that could be construed as being an insult to Mayor Grant, even if I never knew him.

Chairman Lexow.—Let us discontinue politics.

By Mr. Goff:

Q. And in my questions touching your own declarations on this matter, commissioner, you will please remember that I only put questions involving political party names simply because I am compelled to put them from the record, and from no

desire to drag them into discussion before this committee; now we will understand each other upon that point? A. I hope so, sir; yes, sir.

Q. Now, I ask you, let us put aside, commissioner, questions of partisan politics as far as we can in this matter; and I direct my question to your interview, or to your statement before the police board; assuming that Dr. Parkhurst was corrupt in making these complaints before the police board, would the fact that he was also animated by a political antipathy to the party with which you are identified interfere with you in the discharge of your duties in suppressing the nuisance and abuses complained of? A. No, sir; not the slightest.

Q. Well, then is there anything here, so far as this report goes, is there anything here to indicate that Dr. Parkhurst was not correct in his charges of inefficiency and corruption on the part of the police officials in that precinct? A. Yes, sir; there was the report of the superintendent and inspector showing that they were not corrupt.

Q. There is no report from the superintendent here? A. I don't know whether you have; we have it.

Q. You therefore concluded upon Inspector Williams, and to show there is a wholly non-partisan matter in this matter—Inspector Williams is non-partisan—you concluded upon the report of Inspector Williams that Dr. Parkhurst was wrong? A. I inferred nothing of the kind; my conclusion was based upon the report of the superintendent and Inspector Williams.

Q. It is strange the report of the superintendent is not here A. I can not help what you have not.

Q. Do you say that a report by the superintendent was made? A. Certainly.

Q. Do you mean that Superintendent Byrnes made himself a written report of the investigations in the Eleventh precinct? A. I will swear that the report of Inspector Williams was transmitted by the superintendent.

Q. That we have agreed upon? A. And that was practically his report.

Q. Let us understand; it goes through his hands, simply through an official channel? A. No; he was the man directed to report for the inspector.

Q. He makes his superintendent report; he turns around and put in the report of his superintendent? A. That is true; he investigated through him.

Q. And so far as the report was concerned it was made by the inspector of police of that district; his name is signed to it? A. Yes, sir; and it was practically made the report of the superintendent.

Q. I do not care who made it; had you any other evidence at that time that satisfied you that Dr. Parkhurst's charges were untrue or false except this report, whether it was Williams or Byrnes made it? A. That is the only evidence.

Q. And upon that you decided that thereafter, because you were satisfied of the truth of the police report, that thereafter Dr. Parkhurst's communications would go into the waste basket where they belonged? A. That was the reason; and if I had reason to believe, Mr. Goff, that the reports of the inspector was correct I had to believe the reports of the inspector; I did not suppose for a moment they would make a false report, and we have no other reports to rely upon.

Q. Assuming you rested your action and opinion upon the report of the inspector, do you remember that five of these very houses contained in Dr. Parkhurst's charges were afterward raided by the police — Dr. Parkhurst's Society — I should say — and the keepers of them convicted in the Court of Special Sessions in this city; do you know that? A. I do; and I called that to the attention of the police board, also, and made note of the fact that that report must have been wrong when it was made to the commissioners.

Q. You said that the report must have been wrong? A. Yes, sir.

Q. Now, where it was judicially determined in this city by a bench of justices that the police captain, or Police Inspector Alexander S. Williams, was either an official liar, or an incompetent, negligent official, whatever you call it; what did you do in the face of that judicial determination? A. What did I do?

Q. What did you do? A. I did not do anything.

Q. You did nothing? A. No.

Q. And you, upon the report of this man that was judicially declared to be an official liar, you turned around and you discredited Dr. Parkhurst and determined that his communications thereafter would have to go in the waste-basket? A. That decision did not declare Mr. Williams a liar; and he was not put on trial, and was not declared any such thing.

Q. Police Inspector Williams — I have read from his report — he directly charges Dr. Parkhurst with falsehood? A. Yes, sir.

Q. These houses he said he sent special officers to; he says, that every charge made by Dr. Parkhurst was false, and you believed it? A. I believed it at that time.

Q. And the Court of Special Sessions afterward showed that five of those very houses which he said Dr. Parkhurst lied about were disorderly-houses, and convicted them as such; what do you call that if it is not proving him an official liar? A. Those arrests were made after that report was made, and they might have been disorderly-houses at the time and not at the time he made his report.

Q. Oh; so you do wish us to understand or imply that in order to prove Alexander S. Williams an official liar that five disorderly-houses were started and organized in his district after he gave this report? A. You can organize a disorderly-house in a short time.

Q. Who do you think would organize a disorderly-house in order to prove Captain Alexander S. Williams an official falsifier? A. The Society for the Prevention of Crime would like to do it.

Q. Yes, you think the Society for the Prevention of Crime would like to do it; and you as commissioner of police, under your oath of office, and under your oath now, wish to go on the record of this investigation that the Society for the Prevention of Crime in this city would like to organize houses of ill-fame in this city for the purpose of proving a certain policeman a falsifier? A. I do not say any such thing.

Q. That is what you have said; it is on record and it can not be blotted out? A. I think they would be willing to do anything to run Inspector Williams down.

Q. To commit a crime? A. I don't say anything like that.

Q. To do anything? A. Yes; their detectives have made those arrests.

Q. Keep to the text; that is on record, commissioner, that you go before the Legislature and the people of this country, that a commissioner of police gave it as his opinion under oath that the society of which Dr. Parkhurst is president would like to organize houses of ill-fame for the purpose of discrediting a policeman? A. You have got that—

Q. Can you correct it? A. That case has already been disposed of.

Q. Do you wish to correct that; don't come in here to-morrow morning with a written memorandum to correct anything; do

you wish to correct that now? A. The detective for the Society for the Prevention of Crime has been convicted of such a thing.

Q. Do you wish to correct that? A. I correct nothing.

Q. And the General Term of the Supreme Court decided that he did not do so? A. Well, if it was ever appealed higher it might be adjudicated the other way.

Q. We have come to recognize the decisions of the courts; did you ever inquire or take action to inquire, when this startling adjudication of the Court of Special Sessions followed Inspector Williams, what the evidence was showing the existence of those disorderly-houses before that complaint? A. No, sir.

Q. But your answer intimated that it was possible these houses might have started or been organized after Captain Williams' report? A. I remember calling the attention of some of the commissioners to the fact that these convictions were had and wanted to know how that compared with the report made to the board.

Q. There is no public declaration by you upon that subject so far as I have been able to ascertain; and on this occasion you have given public utterance in a very specific manner, and if you were imposed upon by Mr. Williams in that report, and if after knowing the fact that a court of impartial justice had determined that Mr. Williams falsified when he made that report, do you think it was right to remain under the stigma of having been hoodwinked by Williams? A. I called attention to it a number of times.

Q. Did you ever make a motion in the board? A. I did not.

Q. Was there anything done by the board to relieve the police commissioners from the stigma of having been fooled or hoodwinked by a false report? A. I don't think — then commissioner MacLean referred to it.

Q. Please don't shift; your shoulders are broad enough; Commissioner MacLean will answer? A. You had him half an hour, and he has been in the police board 10 years and you never asked him a question; it only shows the bias of the examination and the ex parte character of the committee.

Q. It only shows what a regard we have for your superior intelligence and information, and facilities for giving testimony? A. I wish I had all the information Commissioner MacLean had; I would know something about the police department.



Q. Have you ever heard it said, by the way, while you are speaking of this gentleman whose name I have not dragged in, that while Commissioner MacLean was on that board that he was the only honest man on the board; have you heard it stated? A. I heard it from some; but I did not believe it.

Q. Have you heard it stated or rumored that every police commissioner on that board was a public thief? A. And every man who said it lied.

Q. Have you ever heard it said that every police commissioner on that board was corrupt and a bribe-taker except Commissioner MacLean; did you ever hear it said? A. Every man that ever said it lied.

Q. Did you ever hear it stated? A. I don't care whether I heard it or not.

Q. You have dragged this man's name in several times; I ask you if you ever heard it said or rumored that every commissioner on that board was a bribe-taker and a corruptionist with the exception of MacLean? A. I heard certain Republican stump speakers use that expression; probably every one was a bribe-taker themselves; so far as it relates to me it is a lie.

Q. You have heard of such a thing? A. I have not heard such thing.

Q. Is this the first time you have ever heard it? A. I may have heard it.

Q. Where did you read it? A. I don't know.

Q. Did you ever take an action against the newspapers for libel in which you read such a thing? A. The time has not come yet.

Q. Did you ever initiate an action for libel? A. I am initiating an action for libel.

Q. Did you ever make a demand on a newspaper for the retraction of such a statement? A. Yes, sir.

Q. What newspaper? A. The Evening Telegram.

Q. Did you make a written demand upon it? A. I wrote them a letter.

Q. Did they apologize? A. They did.

Q. Have you got the paper where the Telegram apologized? A. No, I have not; I don't know as there was anything in the paper, but they sent a man to see me about it.

Q. Since the matter complained of is libelous and appeared in the public print in the paper, did you think a private communication to you was satisfactory? A. I was satisfied with it.

Q. You were satisfied? A. Yes, sir; I do not recall what the charge was in the Telegram.

Q. But it was something in the substance of what we are speaking of; you were indifferent as to what the great public thought about such a thing appearing in print? A. No, I was not very indifferent.

Q. Why did you not insist upon them making a satisfactory explanation as ample as the accusation? A. I will insist when the time comes.

Q. Has the statute of limitation expired yet? A. You know what the statute is.

Q. You are a lawyer; I ask you? A. No.

Q. What is the time? A. None of your business.

Q. Do you think you are doing yourself credit by those words? A. You go on and ask me about police matters.

Q. Do you think you are doing yourself credit? A. I am holding my own.

Q. You go on and hold your own and tell the truth? A. I will tell you everything about the police department; I have nothing to conceal.

Q. You are here more agitated as to whether you get the best of counsel or the counsel can get the best of you? A. I am here to tell all about the police department.

Q. You are not hear to tell the truth? A. I am hear to tell the truth; and you know it.

Q. I have not had the pleasure of exchanging words with you before, and know nothing about it; you say you will answer me about police matters; this is about police matters; you were accused in the public journals? A. Yes, sir.

Q. You were accused as a public official, in a public journal in this city as being a corruptionist and bribetaker; that is about a police matter; did you take any other steps to vindicate yourself from that public accusation except the one you have narrated? A. I will take all the steps necessary.

Q. Did you take any steps except those you have narrated? A. I told you what steps I have taken.

Q. Have you demanded any public retraction? A. I have not.

Q. Have you instituted an action against the Evening Telegram for libel? A. I do not know what the Telegram charged me with.

Q. Have you instituted an action against the Evening Telegram for libel? A. No, sir.

Q. By the way, how many actions have you for libel pending?

A. I have got one.

Q. Only one? A. Only one.

Q. That is not in relation to police matters, is it? A. No, sir.

Q. That is in relation to a private matter? A. Yes.

Q. Have you any actions for libel pending against newspapers that they charged you for wrong doing in the police department?

A. Yes, sir.

Q. What action? A. I have got one against the Commercial Advertiser.

Q. That is in relation to the hat business, isn't it? A. Yes, sir.

Q. I won't touch upon that now; everything in its order; I propose to follow this matter up touching the knowledge of the commissioner on the lines which you gentlemen have precipitated now; and I will, on Senator O'Connor's suggestion, go back a little further; in this decision that you have brought us here, or given us the title of, it had escaped my memory; by the way, who looked up this decision? A. I had it looked up in my office; Mr. Grant also looked it up.

Q. Oh, you can; well, that is not sufficient; now, this decision of the Wynn case, Senators, I think it but proper we should have it spread before you at length upon the records, inasmuch as the commissioner has seemed to attach a great deal of importance to it as deciding that pool selling was not illegal.

Chairman Lexow.—You want the stenographer to take down what you read.

Mr. Goff.—Yes. I will read first the syllabus of the case, reported in 35 New York State Reporter and decided at General Term of the Supreme Court, first department on December 29, 1890. Heading (catch word) "Gaming—registering wagers." Syllabus, "Defendant was indicted for recording and registering bets or wagers, and for keeping and employing devices and apparatus for that purpose. The only evidence to prove the offense was that of a detective, that he visited defendant's rooms and found therein a blackboard and desk; that he told defendant he wanted to put \$5 on a certain horse, that defendant said he would not bet, but would send his money to the race tract for a consideration, and get the best odds he could, and give him a ticket containing a direction to place that sum of money on said horse at the race-track during the progress of the race, and at no other place or time. Held, that this evidence was not sufficient to justify a conviction." Now,

Senators you remember me stating that this case was one of collusion between the police and pool-seller. I will reiterate it.

The Witness.—Have you any proof of that?

Q. Yes, sir; my own knowledge? A. You were in the district attorney's office?

Q. I was in the district attorney's office at that time? A. You ought to know something about the police, then.

Q. Yes, sir; I know it; and I charged the policemen with it, and I refused to try the case because it was a collusive case, and Judge Cowing know I refused to try it because the pool-sellers of this city wanted it as a pet case to go up when the case was created between the pool-sellers and the policemen; I will read further from the decision, as I told—

Chairman Lexow.—All that case shows is that there was not sufficient evidence in that case.

Mr. Goff.—Not a question of legality of the law considered at all.

Chairman Lexow.—The opinion says that it was a wager registered here to take place in a place where it was lawful.

Mr. Goff.—Van Brunt P. J. says, "The only evidence offered upon the part of the people was that of a police officer, who was the detective attached to the Second precinct. He testified that on the 17th of May he saw the defendant in a room at 5 Barclay street. He described the premises as being situated in a basement, and consisting of a small room into which you first entered from which a door opened into a large room with one large blackboard, and behind the counter was a great big long desk; upon entering the witness found three men there, one of whom was the defendant. He followed the defendant into the large room, who asked him what he wished. The witness told him he wanted to put \$5 on the horse Fordham running at Gravesend. The defendant told witness he would not bet him, but would take or sent his money to the race-track on condition that he would pay 25 cents commission, and would put it there at the best odds he could get. The witness then gave him \$5.25, and the defendant gave him a ticket upon which he had marked '\$5 Fordham.'

"The following is the ticket: 'Please execute for me, on the race-track at Brooklyn, at the races to be held this day on the grounds of the Brooklyn Jockey Club at Brooklyn, in the county of Kings, State of New York, and at no other place or time, the sum of \$5 on Fordham; but do not, under any circum-

stance, accept odds in this race at the said race-track at a less price than —. I desire it to be positively and distinctly understood, and for this reason only do I place in your charge my money, that you place my said money for me only on said horse above mentioned, and at no other place than on the grounds of the said Brooklyn Jockey Club during the progress of the races this day, and for this purpose I make you my common carrier; for the expense incurred by you in so placing of said Brooklyn Jockey Club I agree to pay the sum of 25 cents.'

"The officer thereupon arrested the defendant and took him to the station-house. The people thereupon rested their case and the motions hereinbefore mentioned were made.

"It was clearly error to submit to the jury any question as to the guilt of the defendant under the third count of the indictment. There was not a particle of evidence which can be possibly twisted or tortured into an offense therein described. The only evidence is that there was a blackboard on the wall. What that blackboard was ever used for is not at all explained by the evidence and there is no presumption of guilt. It is true that the witness stated that the room was not fitted up as a school-room. But blackboards may be innocently used for many other purposes and in many other places than school-houses. There was not the slightest particle of evidence which would justify the submission of any question under the third count; and it was clearly error in the court to deny the request of the defendant as to this count of the indictment.

"There does not seem either to be sufficient evidence to justify a conviction under the fourth count.

"There was no such recording or registering of a wager as brought the defendant within the prohibition of the statute. Although the detective sought to entrap the defendant into a violation of the law, there was a refusal so to do, or to enter into any contract or agreement which would be a violation of the law or from which could be inferred an intention to violate the law. The detective undoubtedly intended to get evidence to convict the defendant of a violation of the law, but the defendant seems to have been too wary to be caught by the chaff which the detective held out to tempt him. If the action of the defendant is capable of an innocent construction he is entitled to receive the benefit of it, and unless no other conclusion can be drawn than that of an intention to violate the law the defendant is entitled to the presumption of innocence.

"We think, therefore, that the judgment appealed from should be reversed and a new trial ordered."

Senator O'Connor.—He did not pass upon the question whether that was a device to evade the law.

Mr. Goff.—That was never raised. It was a question of sufficiency of proof. I repeat it again, Senators, and I repeat here under my obligations to you, and to the positions I hold, that that certificate was designed and constructed by a law firm in New York for the pool-sellers; I know it of my own knowledge, because it was shown to me as a proof that the law could not be violated. It was on that certificate then that this case was conjured up and it was arranged that this case should occur so as to bring it before a criminal court, and by getting a decision upon the sufficiency of the proof they could herald it forth, and impose upon my friend Commissioner Sheehan from Buffalo that it was a decision upon the law.

The Witness.—How is Manchester, Mr. Goff; is Manchester a greater city than Buffalo?

Mr. Goff.—Oh, yes; a good many more thousand inhabitants. What I want to say is that this commissioner here in New York but a short time accepts a decision of a court as settling the law upon a question that never occurred and was never adjudicated, and upon this bases his belief as to the validity of that decision on questions of law, and the whole police department of this city refuse to enforce the law and to prevent its open and ever day violation.

By Senator O'Connor:

Q. Well, it was afterward amended to cover even a case like that, so as to cover even the transmission of the money? A. Yes, sir; the very next session.

Senator Cantor.—That was in 1893.

Senator O'Connor.—I think, under the facts, that a jury would have a right to determine whether it was a device to evade the law.

Mr. Goff.—If it had been submitted to him. It was not submitted to him; and I refer again to Judge Cowing, who is to-day a judge of the General Sessions, that he refused to try the case because it was a case of collusion.

By Chairman Lexow:

Q. Do you consider under that case that it contained any justification for refusing to enforce the law against the pool-rooms of this city? A. I said when I went into the police department that this business was then being conducted, and upon inquiries I made as to whether it was proper or not I found

some decision had been rendered by some court, I could not tell you at the time; and Mr. Goff said there were none, and I looked it up and found this decision; I understand there were other decisions at the same time, and they had been taken as settling the question; and finally at the next session of the Legislature they passed a bill that governed this particular case, and made it in such a way that they could not carry on pool-rooms; selling pools were suppressed.

By Mr. Goff:

Q. Did the commissioners do anything towards suppressing the selling of pools until Richard Croker compelled it to be done? A. I don't know what Richard Croker did.

Q. We talked about that the other evening? A. Yes, sir.

Q. I read from his interview the other evening that he had closed the pool-rooms; was he correct when he said that? A. How do I know he was correct or not; I said he never spoke to me on the subject.

Q. I am not asking you what he said to you; I am asking you just as you bring the matter up; I ask you when he said so was he true or correct? A. I am not able to answer the question.

Senator Cantor.—Did not that interview say, "We had closed the pool-rooms?"

Mr. Goff.—Yes; I think you are right. "We of Tammany Hall have suppressed the pool-rooms." Mr. Croker spoke in the imperial term of "We" for Tammany Hall.

Senator Cantor.—The same as Platt speaks for the Republican party.

Mr. Goff.—Precisely.

Chairman Lexow.—I think I would avoid these references to political matters, because we will all be arguing on these points.

Mr. Goff.—I am avoiding them; but these matters came in in our inquiry when a private citizen says he closed the pool-rooms and I am asking a police commissioner how it was that a private citizen could say, "We closed the pool-rooms."

Chairman Lexow.—Yes; but one of the Senators used the pretext for getting in a dig at somebody else. Now that was misplaced. One thing was told by the witness in the course of his examination.

Mr. Goff.—If I make any statement that would appear in any way to travel outside of the direct line of inquiry touching any gentleman, I do not care what politics he professes, or party he belongs to, I regret it. I try to confine myself.

Senator O'Connor.—There is nothing improper in what you stated because it is in direct knowledge of the commissioners as to whether Mr. Croker meant himself by "We" or the commissioners and himself.

By Mr. Goff:

Q. Mr. Commissioner, you said the other evening in your testimony that the people of New York were indebted to Mr. Croker? A. I said he was always doing good things.

Q. In this connection; I do not question that at all; in this connection you said in closing the pool-rooms the people of New York were indebted to him? A. Did I admit he closed them?

Q. You said the people were indebted to him for closing the pool-rooms? A. If he brought about the closing of them.

Q. And then the police commissioners that were charged by law, by their oaths of office, had to be forced into doing their duty by a private citizen? A. I did not admit anything of the kind.

Q. If he brought it about? A. I do not admit he brought it about.

Q. Do you know he brought it about? A. I don't know what he did.

Q. Do you know of anyone who had anything to do with it? A. I don't know anything about what Mr. Croker had to do with it.

Q. Did the commissioners? A. I told you Commissioner Martin talked about it.

Q. It was informal? A. That was supposed —

Q. Did you give an order? A. I presume Commissioner Martin did.

Q. To whom; have you any knowledge? A. I don't know.

Chairman Lexow.—The committee will stand adjourned until half-past 2 p. m. All witnesses under subpoena will attend here again at half-past 2.



## AFTERNOON SESSION.

October 29, 1894.

Present.—The Senators and counsel as before.

John C. Sheehan resumed the stand, and direct examination continued:

By Mr. Goff:

Q. In the case of Officer William Dwyer referred to in this forenoon's testimony, Mr. Sheehan, known as the Erest case, I find there may have been some misapprehension about that, and I wish to clear that up; that was the case of oppression to which we referred? A. Yes.

Q. In that case the police commissioners did not take any action whatever until after Dwyer's conviction in the Court of General Sessions? A. I don't recall the case.

Q. You remember the case I refer to of the saloon-keeper in Nassau street? A. I remember the case, but I don't remember what was done with it.

Q. That is the case that the police commissioners didn't take any action in at all until after the trial of Dwyer for oppression and false accusation against Henry Kress, in the Court of General Sessions, in which he was convicted and sent to the penitentiary for two months; then the commissioners dropped him from the force? A. And in the case of Hector, I recall it too, Mr. Goff; you refer to that case; I understand that is a citizen's case; what is the charge, please.

Q. Entering the private room of a woman and using indecent language to her? A. In that case the person who made the charge never appeared; the case was adjourned time and time again and no inducement could get the person to come before the commissioners and testify; in many cases you may find the same result.

Q. Then if that was so why wasn't the case dismissed, to do justice to this officer? A. Well, they held this case a great while hoping that some time they might be able to get the person to come forward and testify.

Q. The presumption is, if a person makes a charge against an officer and that person fails to substantiate that charge and the case is adjourned time and time again, as you stated was done

in this case — is it not a fair presumption to say that the case can not be substantiated by evidence? A. That is the presumption.

Q. Twenty months have elapsed since that very serious charge was made against this officer; why has it not been disposed of? A. I can not tell you; in every case of that kind which comes before me after three or four adjournments, if the parties fail to appear, I recommend a dismissal of the complaint.

Senator O'Connor.— Mr. Goff, have the police board any power to compel outsiders to appear before them and testify?

Mr. Goff.— That is the very question we had up before us the other day; but when a charge is preferred against a member of the police department they have ample power to subpoena and compel the attendance of witnesses, and a witness who fails to attend is guilty of a contempt and may be proceeded against before the Supreme Court for such contempt.

Q. I find in the case of Captain O'Connor, to which we referred to-day — I have the record here, and here is the stenographer's report of the testimony, consisting of 47 pages of very sparsely written matter, such as this page (exhibiting page), only 47 in number; that trial took place April 17th at 11 a. m., and four witnesses appeared to have been examined — A. When was it concluded, Mr. Goff?

Q. Concluded in one sitting, on April 25, 1894; "The board decides that these cases are now closed;" it should be "This case;" "Mr. O'Neill: I object, protest and except. Note. Referred to the board;" I find that this record has come to us from the clerk's office, and, therefore, it can not be in the possession of the case after its having been examined by the commissioners? A. Those are the commissioners that sat on the trial; that is what it means.

session of the commissioners; I understood you to say that the testimony was in the possession of the commissioners? A. That is what I understood, in the hands of the new commissioners.

Q. Well, I find this comes from the clerk's office? A. Well, he may have got it from the commissioners.

Q. And I find indorsed on the record, the envelope containing this, from the files belonging to your department, are the words: "Examined by Commissioners Martin, McClave, MacLean and Sheehan;" now, if that entry be true, which we must take as a record, how can we explain the failure of the board to pass

Q. It says there: "Examined by Commissioners Martin, McClave, MacLean and Sheehan?" A. Certainly, they sat on the trial of the case.

Q. Now, this being the official record, it must be true, must it not? A. That is true.

Q. Now, then — A. So far as I know I believe it is.

Q. Well, I know, it is the record of your department? A. Then it must be true.

Q. You take it as true; now, then, if this case has been examined by the four commissioners before whom the testimony was taken, have you any further answer to make as to why a decision has not been reached? A. I have told you, Mr. Goff, that that means the trial of the case, and that refers to the four commissioners who sat on the trial of the case; they heard the evidence; there is a record to show that they took it up at any future time and dismissed it, or reached any conclusion; that simply refers to the commissioners who sat on the trial; it is plain enough.

Q. Is that the rule, Mr. Commissioner, that in all cases where the commissioners examine the testimony taken at the trial it is so indorsed on the record that they have examined it? A. In all cases where a person is brought before a commissioner and tried it is indorsed on the record as it is there; if there is but one commissioner, one commissioner's name is mentioned; if it is tried before four commissioners, the four commissioners are named there.

Q. I hand you the official record of the trial of Captain Slevin and ask you to point out to me where such an entry has been made that you have spoken of in his case (hands witness paper). A. Well, it is omitted; it don't appear to be on the record; it ought to be there; it is probably on the inside.

Q. It ought to be there? A. (Witness examining paper) You haven't got the record here; give me the record and I will show it to you. (Counsel handed witness another paper) "Complaint against Captain Edward Slevin, before Commissioners Martin, MacLean, McClave and Sheehan."

Q. That is in the other? A. This is the record of the trial; that is simply an envelope in which it is inclosed.

Q. I find in the record of the trial of Captain O'Connor, April 25, 1894, "Complaint v. Captain Richard O'Connor; before Commissioners Martin, McClave, MacLean and Sheehan?" A. Yes.

Q. That is the same as it is in the Slevin case? A. Yes, sir.

Q. Now, I find in the O'Connor case that there is an official indorsement here, "Examined by Commissioners Martin McClave, MacLean and Sheehan;" I find that in the Slevin case there is no such record, examined by any commissioner? A. That is no part of the record; that is an indorsement the clerk puts on the back of that record to show that the case was tried before one commissioner or four commissioners, whoever they were; and if it was adjourned there is a place to show that it was adjourned to a certain day and before some commissioner.

Q. How is it that the clerk should indorse on Captain O'Connor's envelope that it had been examined by the four commissioners and that on Captain Slevin's record it is blank? A. I told you that that is no part of the record; you better get that information from the clerk; I don't know why he didn't do it.

Q. You stated a little while ago that that is done in all cases; now I give you a case in which it is not done? A. It is for the information of the commissioners and the clerk.

Q. Does this record in the case of Captain O'Connor mean anything: "Examined by Commissioners Martin, McClave, MacLean and Sheehan?" A. It is simply a condensed statement in a few words of the fact that this trial was conducted before commissioners; you can look at the envelope and see who it was conducted before instead of taking out the whole record and looking it up.

Q. Mr. Kipp when on the stand here, the clerk of the board, testified that that entry meant and was designed to show the commissioner or commissioners who examined the testimony? A. Certainly, the commissioners that sat on the trial of the case and heard the testimony; of course.

Q. He said, "Examined the testimony?" A. I don't care what he said.

Q. Is Mr. Kipp incorrect? A. If Mr. Kipp said that that intended to show that the evidence was read over and passed upon, after the trial, by the commissioners, he is mistaken, thoroughly so; when the commissioners read over the evidence after a trial they mark their initials on the inside in pencil or ink.

Q. You have said also here that the record of a police officer when on trial was generally, if not always, looked into by the

commissioners, to help them arrive at their decision? A. Yes, sir.

Q. I find a record of Captain O'Connor, on March 2, 1891; he was complained against for arresting and violently assaulting a citizen without cause; on the same day, without cause, he assaulted a prisoner in the station-house. A. Two complaints on the same day?

Q. Yes; and no disposition of either case ever having been made. A. I know nothing about it; it was a year before I became connected with the police force.

Q. You say the commissioners examine every officer's case that comes before them on a charge; here is Captain O'Connor, charged with a very serious offense, and here is his official record; you say you know nothing about it? A. Not about that case.

Q. Wasn't it your duty; you have testified that the commissioners invariably examined the record of the officer? A. In passing judgment on any particular case; yes, sir.

Q. Then have you reserved the examination of O'Connor's record until you are ready to pass judgment? A. That is the time it is always looked into.

Q. Have you settled upon any time when you will examine his record preparatory to passing judgment? A. Whenever the board are ready to take it up and pass judgment the record is looked up, and they are ready, or, at least, I am, to look it up at any time.

Q. If the four commissioners entertain the same individualistic views that you entertain the four will never come together? A. They will; Commissioners Murray and Kerwin have told me that they have read the evidence and are ready to dispose of the case.

Q. Is there any method or procedure on the part of the police board that can compel the commissioners to act and to decide a case one way or the other? A. I presume a commissioner could call it up in the board and ask why they had not disposed of it; the answer to that would be by Commissioners Murray and Kerwin, "We have not had time to read that case, but we expect to be able to dispose of it at the next meeting."

Q. That is an elaborate expression of what Commissioner Kerwin or Commissioner Murray would say under the circumstances; as to the power of the police superintendent, we were at

that subject when some other matters intervened; I wish to get your views further on record in relation to that, commissioner; I read the rules relating to the powers and duties of the board of police; you asked me to refer to the rules governing the superintendent? A. Yes, sir.

Q. I now refer to them: "Rule 24. The superintendent of police shall be the chief executive officer of the police force, subject to the orders, rules and regulations of the board of police." A. That is correct.

Q. Now what have you got to say as to the meaning you wish to convey in the phrase, "The superintendent is the executive head of the police," and that he is responsible, in the face of this rule? A. Rule 26 will answer that; "It shall be the duty of the superintendent to enforce in the city of New York all the laws of the State and ordinances of the city of New York and ordinances of the board of health and the rules and regulations of the board of police; to abate all gambling-houses, rooms and premises; and places kept or used for lewd or obscene purposes and amusements; and places kept or used for the sale of lottery tickets or policy or for any unlawful purpose whatsoever."

By Chairman Lexow:

Q. Are you not, as a police commissioner, the judge of the duties of the superintendent? A. Not unless we are apprised of some dereliction of duty on his part.

Senator O'Connor.—Find out what the *modus operandi* is in regard to reporting those matters.

Q. What is the *modus operandi* of the department or superintendent in that respect? A. The superintendent requires the inspectors and captains to report daily to him of all violations of law in their particular precincts and as to the existence of gambling-houses or sale of lottery tickets or any violation of any kind; and from those reports he knows the condition of the city; no such reports are ever made to the commissioners; we never hear of any such thing.

Q. Is there not any rule compelling him to inform the board of what is going on? A. There is, but he has never lived up to it; he has never informed the board.

Q. Why haven't you insisted upon it? A. I had passed a resolution in the board asking that the superintendent report

to the commissioners, and about a year ago I made inquiries in the board why that rule and other rules were not complied with.

Q. In other words, he did not comply with his duty then when you offered that resolution and required him to make that report; he absolutely refused, if you didn't get that report, to comply with his duty; why then didn't you summon him before the board and try him on charges? A. This is the rule (rule 29): "The superintendent shall receive the reports of inspectors at such hours daily as he may designate, and cause to be made from district reports a daily consolidated report for the board of police; he shall issue to each inspector such orders and regulations as may be intended for his district."

Q. You have stated positively this morning that you considered that the whole detective force of this city was inefficient? A. I didn't say any such thing.

Q. You did. A. The whole detective force?

Q. Yes? A. I didn't use the word "whole."

Q. You said the detective bureau of this city was inefficient, that they ought to have discovered this duty before? A. That is probable.

Q. It was your duty, was it not, to see that the superintendent did his duty as against the public and towards you; now, why didn't you try him? A. I assumed —

Q. If you considered that the detective force was inefficient and that the superintendent was not doing his duty why didn't you try him on charges? A. I didn't come to that conclusion until recently, that it was inefficient, and we had no knowledge before us of the fact that the detective bureau was not doing its duty.

Q. Didn't you say that you had come to the conclusion that the detective force was inefficient because you yourself, as a police officer, had known for months before this investigation started that corruption money was being paid and that nevertheless they couldn't ferret it out? A. I didn't say I knew; I said I had heard of it.

Q. And that they couldn't ferret it out?

By Mr. Goff:

Q. Just this question; you say, commissioner, that it is only recently you came to the conclusion that the detective bureau was inefficient; what has occurred recently? A. Within the last seven or eight months or year.

Q. What has occurred recently? A. A great many circumstances.

Q. Name any one? A. I can not name any one.

Q. A combination or a number of circumstances? A. Yes, sir.

By Senator O'Connor:

Q. Isn't it the truth about it, that disclosures before this committee have satisfied the commissioners more than anything else? A. Yes; and prior to that I have heard stories in the newspapers where people have been taken to the detective bureau and afterwards dismissed.

By Chairman Lexow:

Q. Did you ask for a report of these particular cases? A. Yes; and the report was always clearing the detective bureau.

Q. And that report was made by the superintendent? A. No; he would make an examination, and tell us either verbally or in writing; I think it was most generally verbal.

By Senator O'Connor:

Q. What we want to get at is who is responsible for this condition of affairs, either through active co-operation or criminal negligence; we understand the fact that your testimony is simply this: That you, the commissioners, relied on Superintendent Byrnes to enforce the laws? A. We have got to rely on him.

Q. That he had all the powers necessary to enable him to enforce it? A. Certainly.

Q. And that if the law has failed to be enforced it is his fault? A. He may have some reason to give for it.

Q. In the absence of any reason this committee knows of, your position is that it is the fault of the superintendent? A. My position is that the laws have given him all the powers necessary, and that since I have been a member of the police force he has not in any way, shape or manner been hampered by me or any other member of the police board so far as I know.

By Chairman Lexow:

Q. You didn't consider that that relieved you of the duty imposed upon you by statute to see that he performed his duties? A. We had no reason to know that he was not performing them.



By Senator O'Connor:

Q. You assumed that he was? A. Certainly.

Q. Did you assume that because you received from the superintendent assurances that these investigations that he had made had proven that the rumors that you had heard were unreliable, and is that why you didn't act on the rumor but acted on the superintendent's report? A. Certainly.

Q. The logical sequence of your testimony is to unload the responsibility for the situation of affairs on the superintendent? A. I am not unloading it on the superintendent or anyone else; I am telling the situation.

Q. The effect is, that he must come before the committee and give us some explanation why he has not been efficient in the performance of his duties? A. You can find out, Senator.

Q. Well, we will before we get through? A. There is the best place to find out.

Q. We will before we get through, but we thought we would take your views first.

By Chairman Lexow:

Q. I can not see how a police commissioner can excuse himself from this proposition, that he knew or had reason to believe that there was wholesale bribery in this city and that notwithstanding that fact he permitted the superintendent to ignore the situation or make reports that smooth over a situation which he in his heart knew was corrupt? A. Do not put words in my mouth; I made no such explanation; I said I had reason to believe that pool selling was going on and that they were paying for it, and that if they did they had no right to do it because it was legal under the law at the time.

Senator O'Connor.—In other words, it is a case of misplaced confidence.

By Mr. Goff:

Q. I want to give the commissioner an opportunity to place himself right; now, commissioner, speaking about that and about the rumors or reports that reached you touching the subject of bribery, now, I ask you, is those rumors and reports that reached you directed your attention to bribery having been given to any

particular police official? A. No, sir; except where my attention would be called to it by some newspaper article if it was printed.

Q. I speak now from any source of information that you may have had on that subject; you have testified that you heard that the pool-rooms, for instance, were paying protection money to the police? A. Yes; I heard that.

Q. Now, I asked you before specifically, as to the grades of officers, touching the reception of that protection; I ask you now if, when you heard that that protection was being paid to the police, did you hear anything indicating to what particular policeman or official the protection was paid? A. No; I didn't.

Q. From an examination of the case, and from all that you heard, were you led to suspect any particular official who was receiving any such protection money? A. It would be unfair to suspect a man of that unless I had some positive information on the subject.

Q. I know; but here you were in an administrative capacity; you were not looking at a man in his private life at all; here you were in an administrative capacity, charged with the duty of following up such information; now, did such information that you heard on that occasion or on any other occasion lead you to suspect that any member of the police force particularly was receiving this protection from the pool-rooms? A. I told you what my belief was, and told you how I arrived at it; that my belief was that men engaged in that business were paying money to some person and that my belief was that it eventually reached the police; now, I don't know what portion of it or to what one connected with the police department.

Q. But, Mr. Commissioner, when you got that far that it reached the police, was it not reasonable to suppose that you as an honest man, and for the sake of your own reputation and that of the department, would pursue the inquiry as to what particular official or officials in the police department it reached? A. I pursued it very closely and I wanted to pursue it more closely; I had an object in it, but I couldn't reach it.

Q. When you pursued that closely, did that pursuance lead you to believe that a corruption fund went to any particular official or in any particular direction? A. I couldn't get any information on that subject.

Q. I am not asking for the information; I am asking for your best judgment from the sources of information and knowledge at your disposal; I ask you for your best judgment? A. I would not charge anybody with the receipt of it unless I knew they got it.

Q. I beg pardon. A. I would not charge anybody with the receipt of it unless they got it.

Q. I know; I am not asking you to charge anybody; you have stated that you had an object in pursuing this subject closely? A. I wanted to find out if it was true.

Q. Your object was to discover, if possible, where the corruption money went? A. I wanted to find that out.

Q. How far did you go in the pursuit of that object? A. I sent for the different parties and tried to get all the information I could; I did not get the information, but my belief, resulting from the information I got, was that money was paid to some person and that I believed it was paid for police purposes.

Q. You misapprehend me; I do not wish now the details of what you did or the methods that you pursued; what I want to know is, how far did you pursue the subject in your hunt to find out where the corruption money went? A. I pursued it until it was impossible to go any further.

Q. Where did you run up against when you found it impossible to go any further? A. Just what I told you; I believe money was paid, that I couldn't locate who or where it went to.

Q. Now you pursued it closely and pursued to an impassable barrier, you say; now, when you came to that impassable barrier what was your best judgment and belief at that time of the police official or officials who received the corruption money paid by the pool-rooms? A. I wouldn't form any judgment.

Q. Did you form any judgment? A. I didn't.

Q. Did you form any opinion? A. Well, opinions don't go unless you get evidence.

Q. Opinions are always good in a court of law from an expert; now you have become possessed of information on that subject and you had pursued it with the object of seeing where the rottenness in the department of that line laid; now, I ask you when you reached to a point that you could go no further, from all the information that you had, from your knowledge of the circumstances, what was your opinion as to where and to whom that corruption money went? A. I told you I couldn't locate it and didn't know where it went to.

By Chairman Lexow:

Q. Why didn't you apply to the detective bureau of this city to assist you in making these investigations that you speak of? A. I didn't; that is the best reason.

Q. Why didn't you? A. I didn't see any reason for it.

Q. Did you suspect the bureau? A. No; I didn't.

Q. Wasn't it the natural channel for you to use in making investigations of that character? A. Oh, I could make them myself better than they could.

Q. Better than they could? A. Yes; from the information I had on hand.

By Mr. Goff:

Q. But, commissioner, in this pursuit that you have spoken of and up to the time that you abandoned the pursuit, when you deemed it impossible to gain any further information, did you from rumor, report or other means of information that reached your ears or confirmed your understanding, did you have an opinion or entertain an opinion as to what police official received the corruption money? A. No; but, Mr. Goff, there were all sorts of rumors and reports in connection with them, and I have no opinion as to who received the money, if it was received.

Q. I am not asking you now for your present opinion; I am asking you for the effect or condition of your mind at that time produced by the results of your examination? A. It produced this on my mind, that it kept me watching ever since and in close observation of everything that was going on.

Q. Then you must have had some specific object to keep you watching ever since. A. I was watching everything I could find in connection with the department.

Q. It left such an impression on your mind that you have been in a state of watchfulness ever since; now, I ask you, your mind being in that watchful condition, did you at that time entertain an opinion on rumor or report that reached you in the course of your investigation as to where the corruption money went into the police department? A. I would not form an opinion condemning a man on rumors or reports.

Q. I am asking you the condition of your mind at the time when you started in on this line of investigation and ran up

against an impassable barrier? A. I told you that I didn't get information enough to form an opinion of where the money went, if it was received.

Q. Didn't you hear rumors and reports touching the direction as to where the money went? A. I may have.

Q. What rumors or reports did you hear? A. I don't know what they are now.

Q. Have you no recollection concerning them? A. No.

Q. When it has made such an impression on your mind that it has kept you in a watchful condition ever since, do you mean to say that you have forgotten the impression produced on your mind? A. No; I haven't forgotten the impression produced on my mind, that I believed money was paid to some source.

By Chairman Lexow:

Q. Didn't it occur to you that in order to make a payment of money of that kind successfully it would have to go to some authoritative and powerful source in which that illegal act was permitted? A. I should think so.

Q. Therefore, your attention was directed to some one in authority in a particular precinct? A. Understand me, Senator, they were getting no protection whatsoever; they were in no wise bound to pay money for protection, because the law had recognized that they were doing a legal business, and if they were paying this money they were paying it voluntarily.

Q. You are a lawyer? A. Yes, sir.

Q. Do you claim that the business was a lawful business after the decision upon which you based your opinion has been read to you this morning? A. It seems to me that the Legislature passed a bill the following season making it illegal.

Q. Don't you understand that opinion to mean that there was not evidence enough in that particular case to hold that man? A. And that pool selling was not illegal in the way that business was conducted, and the following year you made a law making it illegal; if it was illegal why did you have to pass a law making it illegal.

Q. Did you have legal advice upon that decision before the board? A. No, sir.

Q. Is it possible that the board would allow an important question of that kind to pass by without asking legal advice upon the subject as to whether or not the law was being violated

in this city in the way in which it was claimed to be violated?  
 A. I don't know what the board did; they took no action; they did take action in reference to it before I came there.

By Mr. Goff:

Q. Let us return; when you were pursuing that line of investigation touching this corruption fund did you converse with any persons about it? A. As I told you the other day, I sent for a number of persons and talked to them.

Q. In the process of your inquiry did you exchange views with other persons as to the existence of this corruption fund or the payment of protection? A. No; I told you I sent for different parties, inquired as to the payment of money, tried to get all the information I could, and in each case they denied it.

Q. You pursued it as closely as possible, and with the object you say — A. As far as I could.

Q. Now, in the pursuance of that object of your investigation, did you converse with any persons outside of the pool-room men, or the men charged with paying it; did you converse with any persons relative to the progress you were making in that investigation? A. Yes; with a great many; not a great many; with some.

Chairman Lexow.—How much longer do you expect to go on to-day, Mr. Goff.

Mr. Goff.—You may adjourn any time, Senator.

Chairman Lexow.—Will you adjourn at 4 o'clock. I must be going now.

Mr. Goff.—I would rather, Mr. Chairman, on this line of inquiry, that the chairman of this committee be present.

Chairman Lexow.—I can wait until 4 o'clock.

Q. In talking to these persons to whom you refer, were they connected with the department? A. No, sir.

Q. They were outside persons? A. Outside.

Q. And persons with whom you could talk confidentially upon the matter? A. Yes.

Q. Did you say anything to any of those persons with whom you conversed as to your suspicions or conjectures as to where that money went, resulting from your investigation? A. I don't believe I did.

Q. Now, refresh your memory; will you swear you didn't?  
 A. I don't recall ever saying anything of the kind.

Q. From the nature of the case and the investigation that you pursued will you say that there was not an impression produced upon your mind as to who was receiving this corruption money? A. There may have been an impression, yes.

Q. Didn't you give expression to that impression or suspicion? A. I don't think I did.

Q. Will you swear you didn't? A. I don't think I did.

Q. Now, I will put it to you right here; did you not state at that time to one or more persons with whom you conversed that from all you heard and learned in your investigation you believed the superintendent of police was receiving this corruption money? A. No, sir.

Q. Will you swear you didn't? A. Yes.

Q. Was it your impression that he was the official that was receiving it? A. I told you I had no impression as to who got the money.

Q. Did you have an opinion? A. I heard people say they supposed it went there, but I had no opinion.

Q. Now, we have it; you heard people say that it went to the superintendent? A. But I had no opinion on the subject.

By Chairman Lexow:

Q. Did you speak with Commissioner Martin on that subject? A. On the subject of pool selling?

Q. Yes; on the subject of who got the corruption fund? A. I believe we did talk on that subject; I am not sure.

Q. Did you express your opinion that the superintendent was the final recipient of the money? A. I never expressed an opinion placing the receipt of the money on any person.

By Mr. Goff:

Q. Mr. Commissioner, when these persons whom you interviewed expressed their opinion — A. I think somebody made such an expression; I don't recall them.

Q. There is that impression on your mind that some suggestion of that kind was made? A. Yes; but I don't recall them.

Q. But, of course, the subject was so very important, and you pursuing a line of investigation which you deemed important, it is very probably that you would not have such a recollection now unless some words had been used by some person to that

effect? A. Mr. Goff, those are common words around the town, or were at that time.

Q. You heard it around the town? A. Yes.

Q. Common words? A. Everybody that dislikes Superintendent Byrnes would say, "Oh, he is doing so and so."

Q. As a matter of fact, apart from their dislike to the superintendent when you heard that around the town, as you say, that Superintendent Byrnes was the man that was receiving this protection money did you then stop making your investigations? A. I stopped when I couldn't go any further.

Q. Was that the time you couldn't go any further? A. I don't know whether it was or not.

Q. After you heard those common rumors did you continue to pursue your line of investigation? A. I did.

Q. And you pursued your line of investigation in view of the information that you had received specifically from the pool-sellers themselves and generally from common rumor? A. Common rumor, certainly.

Q. The information you had, consisting of two things; first, if the pool-sellers were paying protection money to the police, and, secondly, that protection money went to the superintendent of police? A. I didn't say anything of the kind.

Q. I am not saying what you said; it is my question — A. You make the answer, Mr. Goff.

Q. From the information which you then possessed, derived first specifically from the pool-sellers themselves or persons connected with them, and, secondly, from common rumor that such protection money was paid and that that protection money went to the superintendent of police, did you continue your investigation for the purpose of discovering whether it was true or no — if protection money went to the police, and whether or no Superintendent Byrnes received it? A. Put that question again.

Q. From the information which you received from all persons, and from the common rumor and reports that reached you that protection money was being paid to the police and that that protection money went to superintendent of police, did you then continue your investigation with the purpose or object of discovering the truth of those reports? A. I never received any information to the effect that protection money was being paid to the police or to the superintendent of police, and I haven't said so.

Senator Bradley.— That is not the question.



Witness.—He is trying to make an answer that he can not get.

Chairman Lexow.—Please do not make those remarks, commissioner.

Senator O'Connor.—That is a fair question.

Witness.—I have answered that question. He says, if you ever said from all your information that the police were getting money and that that money was going to the superintendent. I said nothing of the kind.

Q. (Repeated by the stenographer.) A. I didn't believe the common rumors that the money went to the superintendent of police.

Q. I haven't asked you for that. A. I continued to investigate, to look up the matter as long as it was possible to do so.

Q. After this period of time? A. Certainly; I am willing to get information on that subject to-day if I can get it.

Q. Now, having some impression produced upon your mind, whether correct or incorrect I am not asking; but having some impression produced upon your mind by these rumors or reports that this money reached the superintendent of police, did you continue your line of investigation as to whether or no there was any truth in those rumors? A. I certainly continued to get all the information I could on the subject.

Q. In the first place you say you sent for the persons accused of paying protection money, in the first instance? A. Yes.

Q. And you asked them? A. Yes.

Q. And they denied it? A. Yes.

Q. Of course; the pool-sellers we will call them? A. Yes.

Q. Did you send for Superintendent Byrnes and ask him? A. I did not; I wouldn't insult him by asking him any such question unless I had positive information of it.

Q. You said you heard the pool-sellers were paying protection; you didn't consider you were insulting them when you sent for them? A. I simply wanted to get some information.

Q. On rumor and report you sent for the pool-sellers? A. And others.

Q. And asked them if it was true that they were paying police protection; you didn't consider that you were insulting them; now, why didn't you ask Superintendent Byrnes? A. I would consider that I was insulting him by charging him with the re-

ceipt of that money unless I had positive information in reference to it.

Q. Did you consider it was just to the superintendent that you, a police commissioner, should hear such reports and should continue a private investigation of such reports without calling him to account and asking him something concerning it? A. I hear complaints every day in the week against the superintendent.

Q. (Repeated by the stenographer.) A. I did sir; because I found nothing implicating him at all.

Q. You considered it just, you mean? A. Yes.

Q. Did he consider it just; did you ever direct his attention, directly or indirectly, to the fact that these reports or rumors were in circulation? A. I didn't; he heard them as often as I did, I presume.

Q. Did you ever call to the attention of your brother commissioners the fact that such rumors or reports were in circulation? A. I did not; they heard them as well as I did.

Q. Then all the commissioners were in possession of the same knowledge? A. Why there were stories floating around all the time.

Q. I asked you if they heard them? A. I presume they did.

Q. Do you tell that as a fact or a presumption? A. I don't know.

Q. Did you ever talk, either formally or informally, with your brother commissioners touching the subject of these rumors? A. I talked with Commissioner Martin, I believe.

Q. Did you ever talk with any other commissioner? A. I don't know that I did; I talked with Commissioner Martin on the subject.

Q. Then you considered it of sufficient importance to talk with your brother commissioner upon the subject of Superintendent Byrnes being generally accused of accepting corruption money? A. I never talked about Superintendent Byrnes with Commissioner Martin; I talked with him on the subject of money being paid for that purpose.

Q. I ask, did you ever talk with any of your brother commissioners, either formally or informally, upon the rumors concerning Superintendent Byrnes accepting corruption money? A. I didn't; because I had no reason to believe them.

Q. Then you, as a police commissioner, after hearing those rumors and reports kept them to yourself? A. I told you I talked with Commissioner Martin; do you mean about Superintendent Byrnes?

Q. Yes. A. Why should I talk about them, when I tell you I didn't believe them.

Q. I am not asking you for your belief; I am asking you for the fact; did you or did you not? A. I didn't; no.

Q. Here was the superintendent of police of this city, having charge of the police force, and the executive head, as you call him, and of whom you heard rumors and reports that he had or was in receipt of bribes or corruption money; do you think that it was just to him or conducive to the discipline or efficiency of the police department that you should take no step concerning those rumors or reports? A. I would have taken steps if I believed the reports.

Q. But if you didn't believe the reports was it not your duty to come out and effectually squelch such reports for the good of the department? A. I haven't got power to spread myself all over the city of New York and shut every man's mouth.

Q. Have you not power if you hear reports charging the superintendent of the police department with accepting bribes in this city, have you not the power to bring the matter before the police board and place it in such a way that the superintendent could meet the charge or accusation? A. I would simply make myself ridiculous by saying, I understand rumor says the superintendent did this or that; I would be laughed out of the town.

Q. Notwithstanding the fact that you say you would be laughed out of town, you have sworn that after receiving this information and receiving these reports you continued to pursue your line of inquiry for that object? A. Yes, sir.

Q. Then they were not so ridiculous or too ridiculous to prevent you from continuing your line of investigation? A. Certainly, I am willing to continue them yet.

Q. You attach some importance to them? A. I never could get any information.

Q. You attached some importance to them? A. I heard the rumors.

Q. But you attached some importance to them? A. Enough to look them up.

Q. And continued an investigation? A. I looked into them, yes.

Q. Can you tell us in what direction you looked into them? A. In every direction where I could get information.

Q. Give us one? A. I don't know.

Q. Can't you tell? A. No; I went in every direction where I could get information.

Q. Here are charges affecting the executive head of the police department; can you tell us one location or one direction that you pursued your lines of inquiries in, to verify the truth of that report? A. I told you on Friday that I sent for different parties and talked with them.

Q. I have reference to Superintendent Byrnes; can you give us one line of inquiry or any person that you sought direct information from? A. No, sir; I can not.

Q. In order to inquire into the rumors, and whether you came to the conclusion that the rumors were not well founded? A. I answered that question by saying that I don't believe they were well founded.

By Mr. Goff:

Q. When did you reach that conclusion that you didn't believe they were well founded? A. Some time ago.

Q. Was it after the investigation? A. After I looked the matter up as well as I could.

Q. You don't believe they were well founded? A. No; I didn't.

Q. Could you trace the rumors to any authentic source? A. No; I didn't.

Q. How did the rumors arise? A. I don't know; I give it up.

Q. How did they reach your ears? A. I don't know; I give it up.

Q. Do you mean to say it is the common rumor of the town? A. No; you hear people make such remarks or charges because they have something against the superintendent.

Q. But you must have heard these rumors in such a concrete form that impels you to pursue your line of inquiry? A. No; I didn't.

Q. But you pursued, you say, the particular line of pool selling until you came up to a point where you could go no further? A. I came to a point where I was satisfied money was paid, but I could never get beyond that.

Q. You were satisfied money was paid? A. That is, I believed it; I had no proof of it.

Q. You had then in your mind the rumors which had produced some impression on your mind that the money went to the superintendent of police? A. I didn't pay any attention to

those rumors; the rumors generally were that money was being paid by the persons engaged in pool selling and that it finally reached the police; now, nobody located it in any particular part of the police department; some said that it went to the superintendent, some to the commissioners, and some to this person and that person.

Q. You have said that some of the rumors you heard and based a prosecution of further inquiry upon were that the protection money went to the superintendent? A. I heard others mention it than the superintendent; I heard the commissioners.

Q. I confine myself now to the superintendent; what I want to know from you is, if after hearing those rumors and hearing rumors touching the general payment of protection money to the police which satisfied you of their payment and their truth, and after hearing that the money went to the superintendent of police, I want to know if you took any steps whatever, either with your brother commissioners or in any manner, shape or form, to investigate the truth, as to whether the hand of the superintendent of police received this money? A. The rumor was that the money went to the superintendent and the commissioners; I knew it was a lie as far as I was concerned and must have been a lie in his case.

Q. You had knowledge of your own actions but you had no knowledge of the superintendent's actions? A. If they charged me wrongfully they would be apt to charge him wrongfully.

Q. That is a matter of deduction; what we are trying to get at are facts; it comes down to the point that some one connected with the police department, or the head of the police department, was receiving this money, whether the commissioners or the superintendent? A. It don't come down to that point.

Q. You say there were rumors? A. Rumors, yes; I may have heard some fellow say point blank to me, "Why the commissioners and the superintendent are getting that money."

Q. If you ever heard some fellow say point blank to you such a thing as that, do you remember who he was or where he said it? A. No; I do not.

Q. Did you ever take any action upon such statements? A. I told you what I did, that I investigated that matter as far as it was possible to go.

Q. You couldn't go any further? A. No.

Q. What we want to know is, what Chinese wall did you run up against when you couldn't go any further? A. The Chinese

wall was this, that I could not in any way, shape or manner locate where that money went to, if it was paid; I never located the payment of any money, but I simply retained the belief that I had; I haven't said that any money was paid.

Q. But you said you were satisfied it was paid? A. I said I believed it was paid.

Chairman Lexow.—It is after 4 o'clock now.

Mr. Goff.—We will now adjourn. Will you please ask the witnesses here to be present to-morrow.

Chairman Lexow.—All witnesses under subpoena will appear here at half-past 10 o'clock to-morrow morning. The committee stands adjourned until that time.

Proceedings of the fifty-fourth session of the committee of the Senate of the State of New York, to whom was assigned the investigation into the conduct of the police department of the city of New York, held in the Superior Court room, Part I, in the city of New York, Tuesday, October 30, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, George W. Robertson, Cuthbert W. Pound, Daniel Bradley, Edmund O'Connor and Jacob A. Cantor. John W. Goff, Esq., and Frank Moss, Esq., of counsel for the committee.

John C. Sheehan, recalled as a witness, on examination by Mr. Goff, testified as follows:

Q. Did you ever express to your board of commissioners, Mr. Sheehan — A. Mr. Goff, will you let me say one word; Officer McManus, to whom you referred yesterday, I find was indicted and tried in the Court of General Sessions for the charge that you referred to, and the jury there acquitted him, or disagreed, I don't know which; and I believe if I had time to look the record up that you refer to I could find there was some excuse why they were delayed or in some cases anyhow.

Q. Your information, commissioner, after your overnight industry is rather indefinite as to the conclusion of the McManus trial; you say the jury either disagreed or acquitted him? A. My attention was called to it on leaving the bench; and I remembered it had been tried, and you will find that is the case.

Q. That does not dispose of the question that I asked you; why is it that the charge against him remains undisposed of; you testified yesterday that you proceeded simply without regard to the felonious character of the offense; but here was a crime that in the police phrasing—though the crime was abduc-

tion and felony—in police phrasing that would be called conduct unbecoming an officer; now, why didn't the police department, so far as you know, commissioner, dispose of that offense, or dispose of that charge? A. The jury, so it appears, tried him on that charge and failed to find him guilty; if he had been found guilty, that would have worked a dismissal from the force without any other action.

Q. Well, so the jury failed to find him guilty? A. That is my knowledge of it.

Q. Your own knowledge? A. I recall the fact that he was tried and I am sure he was not convicted.

Q. Then the matter stands in its original condition? A. Yes, sir.

Q. You are sure he was not guilty? A. I am positive of that.

Q. That he was not guilty? A. Yes.

Q. Therefore it stands in its original condition, and I ask again— A. I won't say I am positive; I think he was not acquitted.

Q. You see, commissioner, that this complaint in this case was made long before you were appointed commissioner? A. McManus; no, there was a case of that kind since I became commissioner; that is the one I referred to.

Q. In the McManus case the complaint was made on February 3, 1891? A. Well, then that is a different case.

Q. What was the charge in the case now that you have called to mind since you have been commissioner? A. I don't recall it; I know an officer of the name of McManus was charged with some offense, and he was afterward indicted by the grand jury, and tried for it since I have been on the board; I do not recall what the charges were.

Q. I do not know anything about that case; we are evidently not talking about the same case; I was asking you, did you ever express your views or your opinions to your brother commissioners upon the departure of Katie Schubert? A. I believe I did on more than one occasion.

Q. You regarded that as practically a failure of justice? A. Well, in what respect?

Q. In this respect: A failure to prosecute an officer of the police upon the testimony of a woman that was within your jurisdiction? A. I believe my associates were acting honestly on the opinion given to them by the counsel to the board, that the evidence was not sufficient at that time to put Inspector McLaughlin on trial.

Chairman Lexow.—Mr. Goff, was not the same evidence—was not she the witness that testified against two or three different parties, and her evidence was the same in each case practically.

Mr. Goff.—The same in each case against the three captains.  
Chairman Lexow.—And Inspector McLaughlin.

Mr. Goff.—Well, he was captain then. The evidence Katie Schubert gave incriminated Captains Cross, Devery and McLaughlin.

Q. Well, commissioner, the opinion was given you say by the counsel that it was not prudent or feasible to put Inspector McLaughlin then upon trial for lack of evidence; but did you raise any question upon the fact that charges had not been made against him? A. I did; yes, sir.

Q. And as I repeated it before—I want to get this matter straight on the record—the charges that were preferred against Cross and Devery were founded upon the testimony of Katie Schubert, and if there was additional testimony procured it was procured after the charges were preferred? A. I believe the charges against those officers were founded to some extent on Katie Schubert's evidence.

Q. As matter of fact they were founded absolutely and exclusively upon her evidence and the additional testimony was simply of a corroborative character? A. No; they brought out here other evidence besides Katie Schubert; there was Mrs. Sandford.

Q. But, Mrs. Sandford testified here? A. Yes, certainly; that is what I said.

Q. What I am after, commissioner so as to make myself intelligible to you, did you raise a question with your board of commissioners as to why Inspector McLaughlin was not put upon charges at the same time that Captains Devery and Cross were put upon charges? A. I did; that is known to the public.

Q. Did you at any time express an opinion that the departure of Katie Schubert was the result of collusion between certain persons? A. Did I; no, sir.

Q. If you did not use the word "collusion" did you ever say to any person or persons that she was allowed to depart on purpose? A. Mr. Goff, to be candid I think I said on the day before she departed, in the trial-room, during the progress of the trials that were then going on, some—I think it was printed in a morning paper, or in some paper—that Katie Schubert



was over in Jersey City, and I stated to a reporter, or to some person who reported it, that in my belief she would never return from Jersey City to testify against any person, and that that appeared in some paper that day I am well satisfied.

Q. Yes; I remember that commissioner; but did you not from all the evidence at your disposal at that time, and all the knowledge that you had upon the case, believe that her departure was the result of collusion for the purpose of avoiding the necessity of putting Inspector McLaughlin on charges? A. No, sir; I had no information that would warrant me in having any such belief.

Q. Didn't it strike you as exceptionally peculiar that this woman should be allowed to depart without her testimony being taken against Inspector McLaughlin? A. It did; yes, sir.

Q. And can you give us any reason, or the results of your reasoning upon the matter, why she was allowed to depart without her testimony having been taken? A. I can not tell; during the progress of the trial I will say, of the other officers, that every opportunity that presented itself I endeavored to bring out evidence showing that the same evidence applied to Inspector McLaughlin as to the others.

Q. That is true; but from these facts and your repeated efforts to bring the matter before the board and to have the board take action, were you not impressed with the belief that some power or interest was preventing the preferment of charges against Inspector McLaughlin? A. Well, I was in duty bound to believe that the counsel to the board would not advise them wrongfully.

Q. Well, outside of your duty, you had a right to your private judgment upon the matter as a commissioner; and, of course, assuming that the counsel would not wrongfully advise the commissioners, did you not, however, believe that there was some potent forces at work that resulted in Katie Schubert's departure to Europe in order to save Inspector McLaughlin from being put upon trial? A. I can not tell you that, Mr. Goff; my private opinion was that the inspector ought to have been put on trial, and that the evidence of Katie Schubert ought to have been secured in reference to him.

Q. And what is your opinion as to the efficiency of the detective bureau of this city in allowing Katie Schubert to leave without her testimony having been taken? A. Well, now, Mr. Goff, I

understand that, if my information is correct, that she was never in the charge of the detective bureau.

Q. Well, outside of whether she was in charge or no she was the person whose presence you deemed essential to the administration of justice in the department; now, I ask you what is your opinion, or what was your opinion of the efficiency of the detective bureau or the detective force in this city in permitting Katie Schubert to depart for Europe without her testimony having been taken against Inspector McLaughlin? A. If she was in charge of the detective bureau I do not think she would have got away; but if my judgment is correct she was in charge of the counsel, and he was responsible for her.

Q. You stated, Mr. Commissioner, that the manner of her departure and the actions of the inspector relating to her departure caused you some amusement; would you please enlighten us as to the particular way in which you were amused? A. Well, the amusement occurred from reading the newspaper accounts of it.

Q. Well, did it present to you a feature of the ludicrous that the chiefs of the detective department of New York, who are supposed to be incriminated by this woman's testimony, should make the amusing blunders which he did? A. Some of the newspapers wrote it up in a very amusing way.

Q. And it was the descriptive way in which the newspapers wrote it up that caused you the amusement? A. Certainly.

Q. The inquiry yesterday at the conclusion of the day's session on the question of paying protection by the pool-room keepers of New York to the police department; I wish to ask you in that line, if you ever heard of rumors or reports that other institutions in New York besides pool-rooms had been paying or were paying protection money to the police? A. Did I? No, sir.

Q. Sir? A. I may have heard rumors; I do not recall what they were; what institutions do you refer to?

Q. Well, any institutions that were running in violation of law? A. Not that I know of; I may have heard rumors of all kinds, but I do not recall what they were; I may have got anonymous letters; I had an anonymous letter here yesterday in reference to you; it is right in my pocket; you can look at it.

Q. No, I do not care to? A. Lots of that stuff is based probably on the same sort of information.

Q. And I suppose it would not surprise you if I told you I have received bushels of anonymous letters? A. I think you have, Mr. Goff.

Q. However, I am not proceeding anonymously, nor do I intend to; now your information relating to the pool-rooms are of such a character that it caused you to make inquiries and investigations? A. As far as I could go; yes, sir.

Q. You said yesterday that you investigated to a certain point, when you could get no further; can you give us any more precise information than that as to where that point was? A. Mr. Goff, I said repeatedly I could never locate where that money went to; while I had a notion, or believed that it might have gone to the police, I had no information on that; and I think it would be an outrage to charge the whole police department of wrong doing because one or two did wrong.

Q. Where was the point, or what was the point which you reached in your line of investigation, and beyond which you could not go? A. Why, every person I talked about or inquired of concerning it, denied that such a thing was being done.

Q. And the persons whom you talked with concerning it were the persons accused of paying this money by the reports? A. Some of them.

Q. Did you go outside of them? A. I talked to people who were not in the business, who I thought had more information than I could get elsewhere; in fact, whenever I heard the subject brought up I was looking for information.

Q. But your investigation was prosecuted in what you might call a semi-official or non-official way on your own responsibility? A. Certainly.

Q. You did not invoke the aid of the department as such to prosecute the investigation? A. I did not.

By Chairman Lexow:

Q. Or any part of this department? A. No, sir; it was believed in the department, Senator, that they were not acting illegally at that time.

Q. You mean that the conviction of the police commissioners as a department was that they were not acting illegally? A. No; I don't know, what the conviction of the commissioners was; but the belief prevailed among the police that this decision decided the fact that they were not doing an illegal business.

Q. Yes; but Mr. Goff has got away from the pool business; he is speaking about the general blackmail? A. No he is not; he is talking about the pool-room business now.

By Mr. Goff:

Q. In order that you may not be under a misapprehension, I have referred now to the general subject of blackmail or protection; I predicated that on my previous question regarding other institutions that were running without regard to law? A. Then that is correct.

Q. Now I ask you, outside of the pool-rooms, did you hear rumors or reports concerning the payment of blackmailing by other institutions than pool-rooms in New York? A. I may have; I may have got anonymous letters.

By Chairman Lexow:

Q. I would like to ask a question while I think of it; who advised the police board that this decision that was referred to yesterday made the business of pool selling lawful? A. I can not say whether I ever received any advice; they were running long before I became a commissioner.

Q. Did you ask for any advice? A. I did not.

Q. You have got a professional lawyer as part of your department, haven't you; you have got the services of a professional lawyer? A. The corporation counsel is the attorney.

Q. You apply to the corporation counsel whenever you desire a legal opinion? A. Yes, sir.

Q. Did the police department ever apply to the corporation counsel and asked his judgment on that question? A. I do not know what they did prior to my time; I know they did not when I was there.

Q. Do you remember when you came in the situation was such that the police commissioners considered pool selling a lawful business, and therefore did not attempt to interfere with it? A. I don't know what the commissioners considered it; I only talked to one commissioner on the subject, and he thought as I did that the work ought to be suppressed.

Q. That it ought to be suppressed? That it would be a good thing to suppress, but he did not do anything with it until the Legislature finally decided that the points raised by that decision were illegal.

Q. The Legislature decided that the points raised by that decision were illegal? A. There was no legislation passed in 1892-3 which practically made it illegal to sell pools of any kind.

Q. You mean on commission? A. On commission; and they were at once closed up after that.

Q. The police commissioner to whom you refer is President Martin? A. I talked to him a number of times on the subject; I was always looking for information to get outside in reference to the department; I came in as a stranger and wanted to know what was going on.

Q. Did you use the same vigilance in attempting to run down the corruption in the department that you would have used had you been informed that a clerk or other attache of your own business was committing illegal practices? A. Yes; I did everything that was possible to locate it; everything I heard of wrongdoing in the department.

Q. You mean to say that the clerks in your employ as a business man would be committing crimes from day to day in the way of blackmail, and that you, as a business man, would not have been able finally to run the thing down and discover it? A. I don't mean to say anything of the kind.

Q. Well, now, did you therefore pay the same kind of attention and vigilance in trying to run down these men who were blackmailing the citizens of the city in your department as you would have used had it been in your individual business? A. I had no evidence they were blackmailing anybody, therefor could not run it down.

By Mr. Goff;

Q. But in pursuance of the Senator's question, if you had a clerk in your employ, and you heard rumors affecting his honesty in dealing with your money, would you have waited to take action until you had positive evidence against him that would convict him in court of law of the crime? A. No; I would look it up; I would have a way of doing it, but when there is a charge against a department of 4,000 men with corruption, you have got to apply it to some particular person—you have got to charge some particular person; I have never any knowledge that I could charge any particular person.

Q. The evidence before this committee has established this fact that the corruption in the police department has been pretty general? A. It has established the fact that there has been corruption in certain parts of the police department.

Q. And that it is pretty general; did you ever hear reports that the sail makers down on South street had to pay blackmail to the police? A. No, sir; I never did.

Q. That has existed in your department of which you are a member, and you heard nothing about it? A. Never heard of it.

Q. Do you recollect a report that the merchants down here on the west side and on Broadway had to pay blackmail to the police? A. I never heard of it.

Q. Never heard a word about it? A. No, sir; until I came out here.

By Chairman Lexow:

Q. Don't you remember the merchants getting together and organizing a protective association in order to protect themselves against such blackmailing operations? A. I don't remember anything of the kind; I never heard anything of the kind and don't know anything of the kind ever happened so far as my knowledge goes.

By Mr. Goff:

Q. To remove any misapprehension on that point, reputable merchants have sworn to the fact on this stand that they did organize and tried to get relief from the municipal authorities; it has been sworn to? A. I understand that, sir; they organized for the purpose of getting the common council to pass an ordinance to give them some relief and allow them to use the sidewalks.

Q. And the result of that was in getting the sidewalks they could get that sidewalk without paying blackmail to the police? A. We never had any information of that kind.

Q. Or no knowledge? A. No knowledge.

Q. Did you ever hear that the Italian fruit venders on the street corners had to pay blackmail to the police? A. I heard it from evidence coming out before this committee.

Q. Exclude the evidence before the committee? A. I never heard of it before.

Q. Did you ever hear the bootblacks there had to pay blackmail? A. I never heard of it; no.

Q. Did you ever hear that the clam-diggers on Long Island had to pay blackmail to the police? A. Where do they come in with the police?

Q. Did you ever hear it? A. I never heard of it; no sir.

Q. Did you ever hear that the houses of ill-fame in every precinct in the city had to pay blackmail to the police? A. I might

have heard some reports of that kind; I may have read something of that kind in the newspapers.

Q. Did the reports that you heard in relation to that, or what you read cause you to make any investigation? A. I can not investigate a rumor; I did not know where to start.

Q. But you did start an investigation on the rumor relating to the pool-rooms? A. Yes.

Q. What difference was there between the rumors relating to the pool-rooms and the rumor relating to houses of ill-fame? A. I had better information of the pool-rooms.

Q. You had more specific information? A. Yes, sir.

Q. As to the places and as to the men? A. No; not as to any particular place or any particular man.

Q. Can you tell the committee in what respect the information regarding the pool-rooms was more specific than the information regarding the houses of ill-fame? A. I had frequently been in company with people who said they knew pool-rooms were paying money; but when you run it down, nobody would tell you who they paid it to, or what man they paid.

Q. Were you aware, as police commissioner, that there were houses of ill-fame running openly in this city? A. I was not.

Q. Did you ever call for a report from the superintendent upon that question? A. I did not.

Q. Did you ever examine reports made by police officials to the department? A. The reports of all that kind were made by the superintendent; and I don't know of any report that was ever made by him on that subject; in fact, I know of no report that was ever made while I have been commissioner.

By Chairman Lexow:

Q. Except this last report; I suppose you mean to except that last report that Superintendent Byrnes made about a month ago? A. Did that refer to houses of prostitution?

Q. I think it referred to all houses of crime? A. There have been general reports.

Q. From time to time he made a general report on the general situation? A. There was one of a few months after I became commissioner; I think then there was one after that, and this last one.

Q. Were all the previous reports of the same character that fraud reigned supreme in the city? A. I believe so.

Q. There is no such thing as a lewd house open, or gambling shops running, or policy shops opened, or green-goods men protected, or any of those little weaknesses? A. I don't know what the reports state; but they speak for themselves.

Q. Do you remember whether the reports were of the same general style as the last report? A. I believe so; yes, sir.

Q. And they lulled the police commissioners into security; and they preferred to take that report to the general rumors that were pervading the community, is that so? A. They relied on the superintendent of police, and had every reason for doing so.

Q. Now, inasmuch as you stated, Mr. Chairman, the day before yesterday, I think it was, that in order to be protected the protection will have to be given to somebody in authority, were you not inclined to suspect by the reports of the superintendent that were handed in, that this city was such an El Dorado of virtue? A. I was not.

Q. You heard, Mr. Commissioner, during your two years' term of service that green-goods men were walking the streets of this city with absolute immunity, didn't you? A. I did not; I may have read a story once in a while—some green-goods story.

Q. Didn't you see in the daily prints the allegations made that McNally, the so-called green-goods king, was receiving in this district absolute protection from the police authorities A. I do not believe I ever saw it.

Q. Do you read the daily papers? A. Decent papers, yes.

By Mr. Goff:

Q. What do you do, anyway, for your salary; what do you do as police commissioner? A. Now, go ahead, Mr. Goff.

Q. Answer my question; what do you do as police commissioner in return for your salary? A. I work for my salary; I discharge all the duties devolving upon me as police commissioner.

Q. Let us hear those duties, so far as the questions propounded by the chairman and also by myself, it appears that you do nothing, and that you know nothing; and what I want to know is what you do for the salary you receive as police commissioner? A. I am at my office almost every day.



Q. What do you do at the office? A. Everything pertaining to the police department.

Q. Give us an example? A. Everything that comes before me.

Q. Here you have testified to absolute occurrences except upon a specific point, and then only on information and belief; now, I ask you what you do, and your board of commissioners for the \$20,000 you receive? A. There is a thousand and one things coming up every day before the commissioners and we can attend to them every day of the week.

Q. The committee desires to know what the police commissioners of this city do; in the face of your testimony, what do they do? A. Discharge the duties devolving upon them by law, so far as they can do it.

Q. Tell us one duty devolving upon them by law that they, police commissioners, perform? A. Seeing money appropriated for the running of the department is properly used, and properly paid out, and that the department is run in a proper manner.

Q. First we have got it now that the \$5,000,000 or over that the city of New York appropriated is properly extended? A. Yes, sir.

Q. That is one thing; give us something else besides the spending of money? A. They are to see, so far as they can, that the police department do their duty and all the members of it.

Q. That the police department do its duty? A. Yes, sir.

Q. And all the members of it? A. So far as they can enforce it.

Q. Now the rules read to you here, and the laws from which those rules have been taken show that the police commissioners are absolute in their power to enforce those laws? A. Yes, sir.

Q. And the responsibilities rest upon them; now, then, possessing that absolute power, what do they do or what have they done to enforce the laws in the city of New York? A. They have enforced the laws in every respect so far as came within their judgment; the enforcement of the laws is in the hands of the superintendent of police and the uniform police courts; and the law makes it precisely that way; it says the enforcement of law and order shall be upon the superintendent of police and the uniform police courts of the city of New York.

Q. Now, you say, to enforce the laws; well, the evidence before this committee has established a fact that corruption has run

riot in the police department of the city of New York? A. I presume it has been so for 20 years.

Q. Do you think the police commissioners have succeeded in enforcing the laws in the city of New York while corruption has run riot in the department for years? A. No knowledge that corruption has been brought to the knowledge of the police board since I have been there upon which they could act.

Q. I am asking you from the facts on the record before this committee; has the police commission in this city succeeded in enforcing the laws where corruption has run riot for years? A. I believe they have; they have given the city of New York the best protection they have ever had and have protected property at all times.

Q. It has been so recorded that ample protection has been given by the force A. Some of them have; I believe the people of the city of New York are satisfied with the protection the police department has given them.

Q. Yes, quite a percentage of them, I have no doubt, commissioner? A. There may be some dishonorable men in the department, but the 4,000 should not be held responsible for the acts of a few.

Q. And, of course, some people have found fault with the police department for requiring too much for their protection? A. I know nothing about any exaction of the kind.

Q. For instance, take that poor clerk, George Alexander; there the police compelled him to go and pawn his watch when he hadn't any more money to pay them; and they finally drove him out of his little restaurant in Catherine street; do you think George Alexander, the Turk, is satisfied with the police protection? A. Perhaps the police department is doing a good thing in driving him out of there; I don't know anything about Mr. Alexander.

Q. If you don't know anything about him why do you throw that claim against a man you know nothing about, that they were justified in driving him out? A. For the reason the police officers who are charged with driving him out have not given their side of it; they may have good reasons for it.

Q. I have not charged the police officials with anything? A. You said Mr. Alexander was driven out of the place by the police.

Q. I say his testimony was that? A. The testimony on the other side ought to be heard.

Q. By taking the testimony of the other side, so far you admit that there was corruption? A. I have admitted nothing of the kind.

Q. You admitted; you indicated it? A. I admitted I heard it, but could not run it down.

Q. And you admitted further that you believed it? A. I do; I believe it yet.

Q. Now then, with that evidence before us of your efficiency as a police commissioner, when you were not able to run it down, do you think the testimony of an accused policeman would be affected in disputing anything brought before him when the evidence of yourself, the head of the department, or one of the heads of the department, admit that you failed in running it down? A. Your evidence don't admit I failed in anything.

Q. That is your evidence? A. It is my evidence; I could not go any further than I did go; it is absolutely impossible.

Q. That is the point we come to again; to what point did you reach when you could not go any further? A. To that point where I could not go any further.

Q. To what point? A. I told you I investigated that in every shape and manner, and could not get any positive information that would lead me to make a charge against anybody; I have got those opinions still and can not substantiate them.

Q. You frequently refer to the fact that you reached the point beyond which you could not go; I ask you again for about the hundredth time what was that point, and where was it? A. I will answer if for the hundredth time, that I investigated so far as I could; and that the only information I got was that the belief was general that money was paid to some person, but to whom it was paid nobody would admit.

Q. And outside of the general rumors, you never heard anything? A. No, not substantial.

Q. Outside of the rumor touching the pool-rooms? A. Not substantially; no, sir.

Q. And you said, I think, that you heard reports or rumors affecting the police commissioners, as well as the superintendent? A. I heard that the money went to the superintendent and to the commissioners of police.

Q. And you said yesterday afternoon that one reason why you did not believe the superintendent got the money was that

you had been accused of getting it, and you knew you had not got it? A. I said that.

Q. And therefore you reason the superintendent had not got it. A. I reason, if it were false in my case, it would be equally apt to be false in his case.

Q. While these rumors have been current in New York, that the corruption moneys have been paid to the police department, and it reached to the top of the department; did you think because your conscience was clear, it justified you in stopping investigation? A. I did not stop until I could not go any further.

Q. You came to that point beyond which you could not go? A. Yes, sir; that Chinese wall.

Q. Well, were you aware, that in addition to the general rumors specific charges had ever been brought against the department; was it ever brought to your knowledge that any person brought specific charges against the police department of corruption? A. I can not recall any.

Q. And we raised— A. I have had—or my attention has been called to the existence of disorderly houses and the sort of that by communications; but they have never been any charge that I recall.

Q. I am speaking of the general charge; you say you had nothing but vague rumors and reports? A. Yes; stories; probably printed in the newspapers.

By Chairman Lexow:

Q. Before I forget it; I would like to ask a question; you officiated on the trial of Captain Cross, did you not? A. Yes.

Q. And Captain Cross was dismissed? A. Yes, sir.

Q. You refused to accede to the judgment of the other commissioners in that case, did you not? A. I did.

Q. On the ground that you would not believe the evidence of a woman who kept a house of ill-fame; is that a fact? A. No; on the ground that I would not believe her testimony, and on the ground that the case was not proven.

Q. You laid your decision specifically on the ground that you would not believe the testimony of a person who kept a house of ill-fame; did you not say that? A. I said I would not believe her testimony; she was proved on that trial to be a perjurer.

Q. Didn't you lay your decision on the ground that you would

not believe a person conducting a business of that description? A. I would not believe a criminal, except corroborated; that is what I stated.

Q. If that is the case, in these pool-room cases why did you go for your evidence to those who are violating the law? A. This committee followed the same line I did; all the testimony you got was from the criminals.

Q. We believe that testimony; you say you would not believe it; when, therefore, you wanted to run down the pool-rooms, why did you go to the pool-rooms to get your testimony. A. I suppose you know the uncorroborated testimony of a criminal would not be received in court.

Q. We believe that testimony; you say you would not believe it; when, therefore, you wanted to run down the pool-rooms, why did you go to the pool-room dealers to get their testimony? A. I did not consider those engaged in pool selling as criminals; there were a great many gentlemen in that business, and when the Legislature in the winter of 1892 and 1893 declared pool selling was illegal, a great many of them, without any trouble, went out of the business.

Q. Are you prepared now to say your official opinion on the question of testimony for the purpose of dismissing a police captain or other member of the police force is and will be that you propose to disregard the testimony of those people who are engaged in the same occupations? A. I will cross that bridge when I get to it, Mr. Senator.

Q. Is that your opinion now? A. My opinion will be expressed on the trial of every case that comes before me, and after the conclusion of it, and not now.

Q. I ask you whether, as police commissioner of this city, you are prepared to disbelieve the testimony against members of the force of people who are engaged in a criminal or quasi-criminal business? A. I will answer that when cases of that kind are brought before me for trial and on the evidence brought out on the case; I am unable to answer it now, and no person can answer it now.

By Chairman Lexow:

Q. That is a general proposition? A. He wants to know whether I am going to vote to convict a man.

Q. No; I ask what your opinion is on testimony of that kind?

A. My opinion will be expressed when a case of that kind is brought before me.

By Mr. Goff:

Q. The question of the chairman is a general proposition, looking to your capacity and qualification to act as a judge? A. Yes, sir.

Q. Upon the trials of members of the police department charged with offense; now the people of New York have a right to know as to the qualifications of the judges that they may elect or appoint; let the people of New York know now whether or no that is your settled opinion, propounded to you by the chairman? A. What is my opinion; my opinion is this, I am not going to express an opinion as to how I am going to vote on the trial of a particular officer before that trial is brought before me, and until the evidence is all in; and on the conclusion of it, I will tell how I am going to vote.

By Chairman Lexow:

Q. You have not changed your present opinion upon that subject, have you, the opinion that you expressed during the course of Cross' trial; you have not changed it at this time have you? A. The position I took on the Cross trial was proper as far as I could see it.

Q. Do you consider that policemen could ever be convicted in this city unless you secured testimony from those sources? A. Yes, I do.

By Senator O'Connor:

Q. Did you vote for the dismissing of some people charged there where there was no evidence excepting by the people who were engaged to a more or less extent in the violation of law? A. Dismissal from the force?

Q. Yes; on those terms; I remember in the Cross case it appeared that this woman testified here that she was obliged to go and borrow the money which she paid for this blackmail? A. Yes.

Q. And they proved she had \$2,000 to \$3,000 in the bank? A. Yes, sir.

Q. That was a big factor in that case? A. Yes, sir.

Q. Were there not cases in which you voted to dismiss, and sustained the charges on the testimony of people who were charged with similar offenses? A. No, sir; and the parties she said she got money from came on the stand and swore she never borrowed the money from them.

By Chairman Lexow:

Q. That was only one shade of the testimony; there was Mr. Sanford's testimony and Mrs. Thurow's testimony? A. That was Captain Doherty's case; do you want any further answer.

By Senator O'Connor:

Q. My recollection is that some of those cases were tried and there was no corroborating testimony except from people in the same business? A. That was in the case of Captain Doherty, but not on the evidence of Mrs. Thurow.

Q. But on evidence of women or parties engaged in the same business, who had been charged with similar offenses? A. No; I voted for her conviction on that case on the charge of lack of attendance to duty; that this house was notoriously open and the house existed in defiance of his authority and he did not suppress it.

By Chairman Lexow:

Q. How can you expect to convict a police officer of blackmail unless you are prepared to take the testimony of the person who gives the blackmail? A. You would not have many police officers in the department if you relied on that testimony alone; it has to be corroborated in some way.

Q. How do you expect corroboration, in a general way? A. You know what the law is, and you know what evidence ought to be brought out to convict a man of any crime; I do not propose to convict a man on insufficient evidence.

Q. Do you suppose the police department is restricted to the rules of evidence that are applicable to the trial of a case in court? A. Not exactly, but their actions are reviewable by the courts, and if you do not confine yourself to legal evidence you

are very apt to have your cases reversed; so, therefore, the commissioners try to keep as near the rules as possible.

Q. They won't reverse the commissioners, unless there is no evidence to sustain the commissioners? A. No, sir; that is not the case; they reverse the commissioners on many grounds—the question of improper evidence, and other grounds.

Q. Then Commissioner MacLean must be in error in the testimony he gave?

By Senator Pound:

Q. The Court of Appeals held that the decision of police commissioners can be set aside where the verdict of the jury would be set aside; that rule is the same? A. Practically; yes, sir.

By Senator O'Connor:

Q. It means a verdict against the weight of the evidence? A. That is practically the same.

By Mr. Goff:

Q. Well, commissioner, you have stated that you based your judgment in the Captain Doherty case upon the ground of neglect of duty? A. Yes, sir.

Q. And that is, that this Mrs. Thurow's house was notoriously a house of ill-repute and opened in defiance of his authority? A. The evidence showed that on the trial.

Q. That is what I mean; you voted to dismiss Doherty upon that ground? A. Upon that ground.

Q. He was guilty of neglect of duty; well, Captain Martens was charged before the board with precisely a similar offense, neglect of duty, and you found him guilty? A. I believe so.

Q. That is, permitting houses of ill-repute or disorderly places to exist in his precinct, and you believed him guilty? A. Yes, sir.

Q. And your judgment in that case was that he should be fined 30 days' pay? A. Well, there was no indication there of willful neglect of duty; it was not brought home to him in the way it was to Captain Doherty.

Q. One moment; you say, willful neglect of duty; well now, commissioner —



Senator O'Connor.—Mr. Goff, find out what significance he attaches to "Willful neglect of duty."

The Witness.—I withdraw that word. I do not say that would indicate Captain Doherty was a party to it.

By Mr. Goff:

Q. Then you withdraw that word in reference to Captain Doherty's case, but it was simply for neglect of duty? A. Yes, sir.

Q. Captain Martens was convicted by the board for a similar offense? A. I say, yes, on a similar offense.

Q. Permitting disorderly places to be in his precinct? A. But the evidence showed his knowledge had not been brought to it in the way it had been to Captain Doherty; the evidence showed that it was brought to his attention in precisely the same way it was to Doherty's.

Q. You drew the distinction in Doherty's and Martens' case, that Doherty knew of various houses, and Martens did not know of the houses in his precinct? A. I believe the evidence in both cases—in Doherty's case the evidence was very strong showing his attention had been called to the houses; in Martens' case there was nothing of the kind.

Q. But in Martens' case the evidence on which you found him guilty showed that the disorderly-houses with which he was charged permitting to run in his precinct was then, actual measurement, 75 feet from the station-house? A. I don't remember where it was located.

Q. That is the fact? A. It may be; I do not recall it.

Q. Do you think evidence appeared before you that would satisfy you of his neglect, and which caused you to find him guilty of neglect of duty, to permit a disorderly-house to run within 75 feet of the station-house—do you think there was anything different in his case from Captain Doherty's? A. I do; I think there was a great deal of difference because he made out a better defense.

Q. He did not make out a defense sufficient to acquit him, because you found him guilty? A. Well, he made out such a defense that the commissioners did not consider that he ought to be punished very much.

Q. You understand now, commissioner; you found him guilty? A. Yes, sir.

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Q. He was guilty of the crime charged? A. He was fined 30 days' pay.

Q. I would like to know, commissioner the distinction between the Doherty case and the Martens case? A. There was a great deal of distinction.

Q. Each officer being found guilty of the same offense? A. Yes, sir.

Q. Now, what is the shade of distinction? A. It was a question in the Martens case whether he was guilty at all or not.

Q. Well, then? A. But his offense would show that.

Q. One moment; there was the question whether he was guilty or not; then a doubt was raised in your mind as to his guilt? A. No; his defense was so very great and so very strong he might have been acquitted on that evidence notwithstanding that fact.

Q. You in your conscience, and you under the solemnity of your oath could not acquit him on the evidence? A. No, sir; I could not.

Q. And, therefore, as you could not, you found him guilty? A. Yes, sir.

Q. Having found him guilty of the same offense, I want to know the distinguishing feature between his case and Doherty's case; the Doherty case resulting in his dismissal from the force, and the Martens case resulting in the fine of 30 days pay? A. The Martens penalty—the board can inflict his dismissal from the force, and the next penalty is 30 days pay; and we thought Doherty's offense was greater than Martens and therefore imposed the severest penalty that could be imposed, and in the Martens case we imposed the next highest penalty we can impose.

Q. We will take Captain Price's case, tried at the same time, on March 13th, 1894, with Martens; he was convicted also of allowing disorderly house in his precinct to keep open and to run, and failed to suppress them? A. I remember he was tried.

Q. And found guilty? A. Yes; he was tried more than once, I believe; let me get the right one (examining papers.)

Q. Thirteenth of March, 1894? A. Sixth of March, was it?

Q. Well, that is the date of the trial; the conviction was March 13; now what was the finding in Captain Price's case? A. Five days, I believe.

Q. Now we have it, commissioner, that here were three

police captains within the space of one year, each charged with precisely the same offense, and each found guilty; Captain Price is fined five days' pay, Captain Martens was fined 30 days' pay, and Captain Doherty was dismissed from the force; will you please state to this committee the distinguishing features of those cases that caused the difference in the respective penalties? A. The same thing arose there that do in a court; there may be two or three tried for precisely the same offense, and one will get a greater penalty than the other; in Captain Price's case—

Q. You are reasoning now; you are not answering my question? A. In Captain Price's case the evidence showed beyond any doubt that the house he was put on trial for was closed, and had been closed for a long time; there was not a particle of evidence showing that the house had been open at the time, or around the time he was charged with allowing it to be open, except those two detectives from the Central office went there and in some disguise or other got into the house; they made inquiries from the people in the house, and they were told the house was closed up; they claimed they had come from Denver; there was an old house-keeper in the house who said there was nobody in the house and they came again the next night and wanted to know if she would not have somebody there to meet them the next night; the first night I believe they were in dress suits; the next night they came back, and if my judgment is correct, there were some women met them there, but they did not live in the house and the evidence of the neighbors living in that locality showed that the house was closed up for some time; and Captain Price was found guilty for the reason that the board considered he ought to have been more vigilant than he had been, and if those detectives could get in there and get women to come in he ought to have done the same; but the evidence showed the detectives had been shadowing that house, and the captain went through the house on two or three different occasions, and only one or two nights before the detectives went in there.

Q. According to your statement Captain Price was unjustly convicted? A. No; I do not say that.

Q. But you say that the board found him guilty because he ought to have been more vigilant and not by reason of his neglect to suppress a disorderly-house? A. The evidence does not show a disorderly-house existed there.

Q. Then why did you find him guilty if the evidence did not show a disorderly-house existed? A. The evidence showed that those two Central office detectives went in there and found no women there and that they took women there.

Q. I am not asking for a recital of the evidence; if that be so, and assuming its correctness as I do from your word, Captain Price was innocent of permitting a disorderly-house to be run in his precinct because the evidence you have narrated here showed that the disorderly-house had long before been closed?

A. I did not believe the house was open at the time he was charged in the complaint.

Q. If you do not believe it, and you did not believe it at the time of the trial — A. I did not after the conclusion of the trial.

Q. Why did you convict him on these serious offenses of permitting a disorderly-house to remain open in the precinct? A. It was by way of serving notice on him that he must be more vigilant

Q. Could not that be done by reprimand from the department and an official notice? A. It might be done that way; and permit me to say that I was in favor of a reprimand.

Q. But you went further than a reprimand and you voted for five days' pay fine after conviction? A. I did after the commissioners argued it over I voted that way.

Q. You did not change your opinion from that expressed now that that house was not open at the time he was charged? A. The evidence did not show it was open.

Q. Was it the argument of your brother commissioners that caused you to vote for the conviction, or was it the evidence on the trial? A. Both their arguments and the evidence; I thought he might have been a little more watchful.

Q. Well,—? A. And a reprimand would have served the same reason — done the same that the conviction did.

Q. But in justice to Captain Price you must appreciate the significance of a judgment of conviction against him, never mind the penalty now, what a bad thing that is in the department of a judgment of conviction for such an offense against a man if he were innocent of the crime or of the offense; you recognize that of course? A. Yes, sir.

Q. And when an officer seeks promotion to a higher grade the

record of his career in the department is always examined by the police commissioners? A. Yes, sir.

Q. Now, Captain Price's record shows among other things that he was convicted of this offense, which is a crime in the law; do you recognize the injustice to Captain Price if that conviction was unjustly procured or obtained? A. I believe it was unjustly given; yes, I believe it a wrong to the captain.

Q. You testified there was not evidence sufficient to justify a conviction, and the house was not opened, and the only thing you voted for his conviction was to cause him to be more vigilant? A. Certainly.

Q. And you then branded him as having been guilty of an act of commission, and not an act of omission? A. I stated that fact that the evidence did not warrant his conviction for neglect of duty in permitting that house to be open; the evidence did not; and it went further and showed that at one particular time those detectives went in there, and I took the position that if they could get in there he could have done so also.

By Senator O'Connor:

Q. Does the meting out of punishment make any distinction when there is a violation of a positive statute, whether a result of carelessness, or whether they have been active and it is an utter failure to perform the duty, knowing the facts; for instance, here is an officer knowing here is a house of ill-fame exists and he did not suppress it; here is an officer of another precinct who is convicted because he fails to discover its existence; do you make any distinction of that kind? A. No; if we are satisfied that the officer has done all he could, and had no information on the subject he might be considered neglectful of his duty.

Q. If he did all he could why should he be convicted at all? A. There are some reasons for it; take that Captain Price's case; the evidence showed that there was no doubt that the house had been closed for a long time; it had been a notorious house for some years, but it had been closed for some time, and the party had moved away; but, nevertheless, those two detectives went in there, and on the second occasion they had some women meet them there.

Q. Did the evidence show on the contrary that Captain Price

had done everything he ought to have done to discover it? A. The evidence showed he did his best.

Q. Then what was he convicted for? A. For not endeavoring to do better, I presume.

Senator O'Connor.—That is a pretty hard rule, when a man does his best.

By Mr. Goff:

Q. Now I will turn to the case of Captain Westervelt, for instance; do you remember Westervelt's trial? A. I remember he was tried; I do not recall what it was for now.

Q. He was tried and convicted of permitting an opium joint to be run in his precinct; that is a disorderly-house and a violation of law? A. I remember it; yes, sir.

Q. And you believed him guilty? A. I do not know now how I voted on it.

Q. You would not have voted him guilty if you did not believe him guilty? A. Did I vote that way?

Q. Yes. A. I do not recall how I voted.

Q. He was fined five days' pay; then I take the case of Captain Haughey, in April, 1894, of permitting a disorderly-house to be run in his precinct; and he was fined ten days' pay? A. The evidence in that case was very light also.

Q. And yet you found him guilty? A. Yes, sir.

Q. Sufficient to justify you in your conscience to justify that judgment? A. Yes.

By Chairman Lexow:

Q. Witness, did you ever see the report made monthly by the captains to the superintendent of the houses of a criminal or quasi criminal character in other precincts? A. No, sir; I never did.

Q. Is it customary among the police commissioners to look at these reports at all? A. Those reports are made to the superintendent of police; and the superintendent has never made a report of any kind on that subject to the commissioners.

Q. Have you ever asked him to? A. I have called his attention to the rule that required it, and asked why the rule was not enforced.

Q. It is a clear neglect of duty by the superintendent? A. Perhaps the reason he failed to make those reports was he had

no reports from the captains showing a violation of law; and I afterward learned that some order of that kind had been given to the captains not to report to him the existence of any disorderly-houses, or other places unless they had certain evidence to sustain it.

Q. How do you account for it that private citizens, and leagues and other combinations of citizens, looked at these reports that were made to the superintendent with reference to the police department, and that you as police commissioner did not? A. Because the rules of the department required the superintendent to make a report at stated times to the commissioners, and if he has failed to make those reports it is sufficient evidence, or ought to be, that there is nothing of an illegal character going on that he knows of.

By Senator O'Connor:

Q. In that connection, you said you understood the superintendent gave orders to the captains that they were not to report those places unless they had legal evidence? A. Yes, sir.

Q. Do you mean to say the superintendent made each captain a judge of what was the legal evidence? A. All I know on that subject is this; it came out on the trial of some of those captains that some such general order as that had been given by the superintendent; I believe some captain put it in as his defense.

Q. Sometimes it bothers a lawyer to tell what is legal evidence? A. Yes.

By Chairman Lexow:

Q. I can not understand how you as one of the heads of the police department of this city should not possess yourself of the information ready at hand in the superintendent's office in respect to houses of criminal character in the various precincts? A. The rules of the department provide what the superintendent shall do and what the commissioners shall do; the superintendent was supposed to report to the commissioners for instance such places, and if he does not make such report I presume it is due to the fact that he has no reports from the captains.

Q. Were you aware that when the law was amended so the

superintendent had the right of his own motion to send officers and arrest keepers of houses of ill-fame or other criminal resorts in the city, that the very next month after the passage of that amended law the reports from the various captains all indicated that there were no houses of bad character in their precincts, and the reports of the month previous indicated all the way from a dozen to 15 in each precinct? A. When was that law passed?

Q. The reports were prior to March, 1892, where the houses were all shown; and immediately after it was presented to the grand jury in March, 1892, the new order went into effect? A. That was prior to the issuing of the general order to the superintendent, I refer to; after that general order I do not think there were many reports on the existence of disorderly-houses.

By Mr. Goff:

Q. But the chairman has asked you if it was not within your knowledge that the superintendent had the power himself to issue a warrant? A. Certainly; had powers conferred on the superintendent.

By Chairman Lexow:

Q. What I wanted to elicit is this: How it was that he, as commissioner, did not know that just as soon as the law gave the superintendent the power himself to issue a warrant, so that these houses could not be informed through a third medium of the fact that a raid was going to be made, that the reports from the captains to the superintendent suddenly omitted reference to all houses of that kind in his precinct? A. That law has existed for years.

Mr. Moss.—It was called up by the grand jury presentment.

Chairman Lexow.—Our attention was drawn to the fact that that law existed.

The Witness.—Every person knew that law existed. The superintendent has had power to issue warrants for 20 years.

By Mr. Goff:

Q. What the chairman has reference to is whether that law was publicly called attention to in the city by the grand jury; that is the point, commissioner, in March, 1892, that suddenly



the reports of the captains showed there was no disorderly-houses in their precincts? A. I have no information on that subject.

Q. I refer to these trials again; we find here, and I wish you to bear with me in the question, commissioner, so that you will accompany me; in about the month of July, of this year, three captains, Devery, Cross and Doherty, were tried before the police board and each convicted for permitting a disorderly-house to run in his respective precinct, and each captain was dismissed from the force; in this year, on March 13, 1894, Captains Price and Martens were convicted of precisely the same offense; Price fined five days' pay, and Martens fined 10 days' pay; on April 4th, of this year, Captain Westervelt was tried and convicted of a similar offense, that is, of permitting an opium joint, which is a disorderly-house, and was fined five days' pay; in the same month of this year—April—Captain Haughey was convicted of permitting a disorderly-house to be run and was fined 10 days' pay; can you explain to this committee what distinction or difference there were between the cases of Price, Martens, Haughey and Westervelt, who were fined different sums, and the cases of Devery, Cross and Doherty, who were dismissed from the force, from being convicted of the same offense? A. Yes, sir; I can.

Q. Please give it to us? A. The cases are entirely dissimilar; in the cases of Captain Cross, Doherty and Devery in addition they were charged with permitting houses, or certain houses, of prostitution to run on the receipt of money for it; they were charged with taking money for allowing those houses to run; in the other cases there was no such charge at all.

Q. You have stated you reported that, that you voted for the conviction of Captain Doherty, not upon the testimony of the woman as having been accepted perhaps, but upon the fact that he permitted a certain disorderly-house to run? Yes, sir.

Q. Therefore your judgment is not based at all upon the testimony regarding the bribe taking? A. It was not.

Q. Then your judgment was given solely upon the ground that you had permitted disorderly-houses to run? A. Yes, sir; and the evidence of the captain and all the witnesses called for him showed that the house was a notorious one.

Q. I simply want to have you, if you can, show the distinguishing features, and the causes of the difference in the judg-

ments between the three captains who were dismissed the force and the four captains who were fined from five to thirty days, respectively? A. In Captain Doherty's case, as I stated, the evidence of himself and his witnesses showed the house was openly notorious and had been running in defiance of the authority of the officers of his precinct; and in the Martens and Price cases the evidence was almost the reverse, showing that they had done everything they could to close the place, and in fact that they were closed; in Doherty's case the evidence showed they were not closed, and he could not close them.

Q. The only thing is we can not get away from the fact that Price and Haughey were either convicted justly or unjustly? A. No; I do not think they were convicted unjustly.

Q. If they were convicted justly they were convicted of permitting a house to run? A. There was no evidence that there was any disorder in those houses.

Q. They had no right to be convicted? A. Yes, they had too.

Q. Why? A. Because if Central office detectives could get into those houses and discover disorder, they could have discovered it.

Q. If there was no disorder, how could Central office detectives discover disorder? A. They could have brought women in there.

Q. If they could have done that why did you convict an innocent man? A. I don't think we convicted an innocent man.

Q. Then if he was not innocent he must have been guilty of permitting a disorderly-house to run? A. But the guilt was not of so grave a character as to warrant a severe punishment to be imposed.

Q. The offense was the same? A. The offense was that he was negligent in the performance of his duty.

Q. That was the offense he was proven guilty of? A. Yes.

Q. Now, in the case of Martens for instance —

By Senator O'Connor:

Q. Right in that connection, Mr. Sheehan, don't you think that these different punishments, that is, for the same offense, as appeared on the trial, do not have a tendency to create an impression among the force that influence and pull operates to the advantage of some and disadvantage of others? A. I do not believe so.

By Mr. Goff:

Q. From the proceedings of the board on that day, commissioner, I read: "Very well, said President Martin, I move that Captain Martens be found guilty and that a fine of 30 days' pay be imposed;" you remember that, Mr. Sheehan? A. I believe that took place.

Q. "I move an amendment that he be dismissed the force, explained, Mr. MacLean, who appointed Martens as a captain"? A. Yes, sir.

Q. "I think dismissal in this case should be a harsh measure," said Mr. McClave. "Captain Martens has been a careful and painstaking officer for 17 years, during which time there has been but one complaint against him, on which he was fined one days' pay. I do not recall an instance where so heavy a penalty was imposed for failure to discover and close up a disorderly-house, when we know they exist all over the city. I think a fine of 30 days' pay is enough."

Chairman Lexow.—Who made that statement?

Mr. Goff.—Mr. McClave.

Senator O'Connor.—Was that a part of the official record, a part of the official minutes?

Mr. Goff.—This is the proceedings of the board in open sessions when Captain Martens was convicted.

Q. "Mr. MacLean, with a show of impatience retorted, either the captain wilfully neglected his duty, or he was inefficient; the police department is for the protection of the public, and for its benefit, not for the benefit of the captain; Mr. MacLean's amendment was voted down and President Martin's motion adopted; Mr. MacLean voting no;" now commissioner, here was a motion made by one of your colleagues in the board, that this man, not being found guilty, should be dismissed from the force, and you voted against that? A. I did; yes, sir; because the punishment was too severe, and was not warranted by the evidence.

Q. When Commissioner McClave made this statement in his argument, if we may call it so, against MacLean's motion that no such penalty had ever been imposed for failure to disclose and close up a disorderly-house, "when we know they exist all over the city" was there any comment made by your brother

commissioners in open session of the board? A. I do not recall of his ever making use of any such words.

Q. Will you swear he did not? A. He may have; I do not recall them.

Q. Will you swear that is not correct? A. I will swear nothing about it; I do not know whether he said it or not.

Q. Did you know at the time that disorderly-houses existed all over the city? A. I did not.

Q. Senator O'Connor asked you a question here with reference of what is called a pool; is it not a fact that these captains who were fined belonged to the faction or ring in the police department known as the Sheehan-Williams Ring? A. I never heard of such a thing, Mr. Goff.

Q. I ask you for the fact, if their sentences were not leniently imposed from the fact that they were friends and pets of Inspector Williams and Commissioner Sheehan? A. I never heard of it.

Q. Is it a fact or not? A. It is not the fact.

Q. Is it a fact that in the police department certain captains are regarded as particularly the friends of certain commissioners? A. Not that I know of.

Q. Did you ever hear it stated in any way, or do you know it to be so regarded, formally or informally, that certain captains have the friendship or protection, as we may call it, of certain commissioners? A. I never heard of it.

Q. Haven't certain commissioners taken particular pains to protect particular captains from harm in the department? A. Not that I know of; no such case has come before me.

Q. Have there been cases brought before you while you were commissioner, charging officials of the department of permitting disorderly-houses to run before March, 1894? A. Before? No; please repeat the question.

Q. Had there ever been cases brought before you for trial charging police officers with permitting disorderly-houses to run in their precinct before or prior to March, 1894? A. Why, the cases we have been speaking of were brought before us prior to that time.

Q. These cases arose this year? A. You mean prior to those.

Q. Prior to those? A. I do not recall any; there may have been; there were some cases, but I do not recall what they are now.

Q. Is it not a fact that it was the appointment of the Senate investigating committee by the Senate that quickened the action of the police commissioners in instituting those trials and producing the convictions? A. I do not think it; I think some of those charges were made before the committee were appointed; the charges emanated with the superintendent.

Q. He was directed by the commissioners to make those charges? A. No, sir; only in some cases; in some cases I think they emanated entirely from the superintendent.

Q. Now, before the appointment of this committee, it appears that in January, 1893, Inspector Williams and Captain Doherty were charged with permitting gambling houses to be run; Inspector Williams was acquitted, and Captain Doherty was reprimanded? A. That was prior to the appointment of this committee, wasn't it?

Q. Precisely, in 1893; further on and before the appointment of this committee, at the same time, Inspector McAvoy and Captain Westervelt were charged with permitting an opium joint to be run; and Inspector McAvoy and Captain Stephenson were charged with permitting gambling houses to be run; Inspector McAvoy was acquitted, and Captains Stephenson and Westervelt were reprimanded? A. I remember those cases.

Q. So that since the appointment of this committee has there been a charge preferred against a police captain in which the police captain has been acquitted? A. Yes.

Q. Which? A. Captain Price.

Q. Captain Price? A. Yes, sir.

Q. What charge was that? A. There was two charges; I think he was acquitted on each occasion.

Q. What two charges; since the appointment of this committee? A. Yes, sir.

Q. What two charges were they? A. I believe the first charge was made by the superintendent for testifying in a different manner in Jefferson Market Court to what he did in Special Sessions.

Q. In reference to the Warren Lewis case? A. I believe that was it, and on trial it was dismissed.

Q. Warren Lewis was a particular crony of yours, wasn't he? A. No, sir, no more than yours.

Q. He was a member of the Pequod Club? A. I believe he was.

Q. And on that charge Captain Price, who was in your precinct, the charge was dismissed? A. He is not in my precinct.

Q. He is in that neighborhood? A. He is on the west side; I live on the west side.

Q. Your district is known as the Thirteenth district? A. Yes, sir.

Q. And his precinct is the Twentieth? A. The Twentieth; the police precinct I live in is the Sixteenth.

Q. They adjoin each other? A. Yes, sir.

Q. Price is a member of the Pequod Club? A. He is not.

Q. Wasn't he? A. He was until last December; I think it was last December; I may be mistaken; I think it was before election he resigned.

Q. It was around that period he resigned? A. Yes; he gave no reason for resigning, and if I am correct I think it was before the trial of those cases too.

Q. After the conviction of Captain Martens on the offenses charged against him you received a complaint against him for permitting a notorious place to exist very near to the station-house? A. I think there was some such complaint; I do not recall it unless you can refresh my mind.

Q. And on that complaint the board referred it to the superintendent, did you? A. Now I recall it; there was some complaint; I don't know where it came from; but it was referred to the superintendent to investigate and report, and put the officer on trial if it was warranted.

Q. This complaint that went before the police board after the conviction of Captain Martens reads in part as follows: "If, as we would fain believe, your instinct are outraged by the proximity of such a nest of nastiness by what sedative considerations are we to suppose that those instincts are kept continually under a severe and constant aggravation; we merely want to know what counter weight you avail of to preserve the equanimity of your righteous soul when poured upon by the distracting irritations of Cochran's dive; it is an interesting feature of the case that although Commissioner MacLean was known to have taken steps last Friday looking to your investigation before the board, your neighbor on the corner and other neighbors only a little more remote were running their lecherous traffic with the same openness and enthusiasm Friday evening that they had been in the earlier part of the week, all

of which at least suggests the confidence which you have in the pull of the commissioners;" this letter was addressed to the captain and referred by him to his superior officer, and by his superior officer referred to the superintendent; "we make no apology," the complaint or letter says, "for the unqualified terms in which we have couched our complaint; we are dealing with a captain who has recently been convicted of shabby discharge of official duty, and there are times when impatience and indignation is the only mode of address which self-respecting men have either the power or right to employ;" notwithstanding, commissioner, your previous declaration in the board that thereafter in 1892 that all communications from Dr. Parkhurst should reach the waste basket, this communication, which is signed Dr. Parkhurst and the executive officers of his society, was referred by the board to the police superintendent to investigate? A. Yes, sir.

Q. And you evidently had changed your opinion of Dr. Parkhurst? A. Not a great deal.

Q. How was it that you did not move the communications to go into the waste basket, where you officially threatened all communications from him should go? A. I did not do it; that is the best answer.

Q. You have a reason for not doing it? A. I had no reason whatever.

Q. You considered the communication of sufficient importance to save it from the waste basket? A. I was very willing to know whether the facts set out in that communication were correct, and it was sent to the proper source in the police department from which he could get that information.

Q. I am simply trying to get at your change of heart? A. I have no change of heart at anytime; I have the same heart always; and in the right place always, too.

Q. Now, on the day after — (a communication was handed to the witness)

Senator Cantor.—It announces a meeting of the police commissioners at half past one.

Mr. Goff.—All right.

Q. On the next day Commissioner MacLean moved that Captain Martens be tried for failure to suppress this place, that is, Cochran's dive? A. Where is that place; that is not the place that Martens was tried on.

Q. Oh no; it is Thirty-fifth street and Third avenue? A. That is a saloon there.

Q. Cochran's dive; that is the station-house in Thirty-fifth street west of Third avenue, and this place was a door or two away from the station-house? A. It was about 150 feet.

Q. Seventy-five, I am told was the actual measurement, commissioner; "But this was amended by President Martin so that the captain was instructed to report about the place to the board through Superintendent Byrnes; this amendment was carried, Commissioner MacLean being the only dissenting vote; the letter sent to Captain Martens by Dr. Parkhurst Society is as follows:" And then it reports the same letter; now what became of the accusation in regard to Cochran's dive? A. You have probably got it there.

Q. I ask if you know? A. There was some report made to the commissioners, on which knowledge they acted, I presume.

Q. Do you know what course they took? A. I don't know unless I knew what the report was.

Q. Do you remember whether he was put on trial? A. I know he was not.

Q. Inspector Williams comes here again in his report relating to this charge presented by Dr. Parkhurst; do you remember his report that I read to you yesterday, commissioner? A. Yes, sir; that place was in Inspector Williams' district.

Q. We find the inspector here again: "Inspector Williams made a visit to Cochran's place on Monday night, and for a long time on yesterday morning he was in conversation with Commissioner McClave. The commissioner said the saloon was a very orderly place, while the proprietor has the appearance of being a good citizen. There was no indication that the place was a resort for disreputable persons, although behind a glass partition are several small rooms, each big enough to hold a table and two or three chairs. Anyone who desires to drink in comparative privacy can occupy these rooms. The inspector said, 'I think Dr. Parkhurst's letter,' said Inspector Williams, 'is couched in language which is a disgrace to a man of his position and of his intelligence. It shows clearly the animus he has against the police department.'" Do you remember, after refreshing your memory, of any action the police commissioners took upon this charge? A. I remember that communication; I do



not know what the precise action was, but I know the captain was not put on trial. (

Q. There was nothing done so far as that goes? A. No, sir.

Q. And the same thing — A. I remember, Mr. Goff, that before that was disposed of, I went up there with three other gentlemen to that particular place, at a late hour of the night, in the neighborhood of 12 o'clock, and I saw it was the same character of saloon that you find all over on the east side.

Q. Yes, that was after this letter had been made public? A. After the letter came from Dr. Parkhurst.

Q. And it had been made public in the newspapers? A. Certainly.

Q. Then you went up to Corcoran's dive —? A. That was after it was referred to the superintendent for investigation.

Q. Then you went up investigating to find evidence of criminality? A. I agree to that; I went up there after Inspector Williams made his report stating there had been nothing there.

Q. After Inspector Williams had gone and reported there was certain private room there with glass partitions in which drinking could be had in privacy, you went there? A. I wanted to see if there was anything in the place.

Q. You wanted to see if Mr. Corcoran was the reputable citizen that Inspector Williams reported him to be? A. I went to satisfy myself as to the character of the place; I found it a liquor store such as you find on the east side.

Q. In all seriousness do you expect this committee to regard as serious that you, a police commissioner, after such a letter as that had been made public, and after Inspector Williams had gone there and made his report concerning it, that you could go and find in that place evidences of a disorderly-house; did you expect that? A. Yes, sir; after that report of Inspector Williams was made known to the public, then if there had been anything disorderly going on there that man would have taken advantage of it, and would not be on his guard; but I went there after it was published and found nothing running there, and found it the same sort of a saloon as you find on the east side; and I was in the there between half-past 11 and 12 o'clock, and nobody in the place knew who I was or anything about me; I saw two or three men in the bar-room drinking; that is all I did see; we went away, and came back again; and then I went

down the street and one of the parties with me went back and had some drinks in there.

Q. By the way, when you went in there did you drop into the station-house? A. No, sir; I did not.

Q. Do you know if Corcoran has ever sued Dr. Parkhurst for libel? A. I do not.

Q. Do you know if the captain to whom the letter was addressed has ever sued Dr. Parkhurst for libel or taken any proceedings against him? A. I do not.

Q. Now you have said with regard to these reports of corruption; I ask you if there ever was brought to your knowledge a specific charge of corruption in the police department by any responsible authority or any responsible person during your term of office? A. You mean by that the payment of money to officers?

Q. Anything; corruption is a generic term; it covers everything? A. No specific charge that I recall, except those that have been brought to our attention lately.

Q. I mean at the time of your appointment, or after your appointment? A. A specific charge?

Q. Yes; you were appointed in May, wasn't it? A. No; I was appointed in March, 1892.

Q. Well, I find that in March, 1892, the grand jury of this county for that term addressed a presentment to the honorable the Court of General Sessions, and the honorable recorder, Frederick Smythe, and in that presentment the grand jury of this county, under their oaths, say: "The present situation certainly warrants the condemnation of the police department in the matter above mentioned; the force is paid liberally for the work of enforcing the law; they do enforce the law in many respects in a superior manner; but if they be permitted to discriminate in certain forms of crime, for reasons well known to themselves, there is no telling where the same course will lead them to, or leave the interests of our city. Circumstances and testimony offered have tended to show financial considerations in some cases for laws administered. Indeed, the publicity with which the law is violated, and the immunity from arrest enjoyed by the law-breaker is inconsistent with any other theory. It is obvious that when a tender by a law-breaker of payment for protection would subject him to penalties, not only for his acknowledged crime, but also for bribe giving, it is extremely difficult to collect trustworthy evidence in direct

proof of such charges. It has been thought best, at the present time, to go no farther than to make this general presentment, so that the courts and the residents of our city may be properly informed against the dangerous evil that is in the midst of us." And supplemental to that on March 31st, an additional presentment was presented by the same grand jury, in which they say: "There must be a public awakening which will cover with shame those who profit by vice, those who reap rich rentals by furnishing it with homes, those officials who prostitute the public service by taking one salary to make crime difficult, and many salaries to protect it, and those who through fear, or through complicity with evil, exert their influence to hinder the public spirited work of those who are trying to make our city a better and a safer place." A. When was that made; just about the time I was appointed?

Q. You were appointed in the month of March? A. And that was made in March.

Q. And this was presented on the 31st of March, 1892? A. That is not a specific charge; it is a general charge.

Chairman Lexow.—Q. Without wishing to break the continuity of your examination I would like to ask a question; how many officers of the force are detailed to special duty guarding the property of corporations or other persons or parties in this city are paid by the city, for whose services the city gets no services or compensation? A. There are no officers detailed to perform duties for corporations.

Q. Are you certain about that? A. I am certain about that; yes, sir.

Q. Will you follow up that line, Mr. Goff.

The Witness.—There are officers detailed on piers and such places as that

By Mr. Goff:

Q. Yes, I will remember that, Mr. Chairman; now here was a presentment made by the grand inquest of this county just when you were being inducted into office, the same month, you being a new man in this office, was this presentment brought to your attention at all, or did you hear of it? A. I probably read it in the papers.

Q. Did this presentment form any part of the general rumor and report you have spoken of? A. I presume it did.

Q. This presentment coming from the grand jury it must be

assumed they have some evidence, because they could not make a presentment without having some evidence? A. I presume they had some evidence.

Q. This grand jury having heard evidence on this question and submitted their views in a formal indictment of the police force, did you, as a new commissioner, take any steps whatever to rid the police force of the grave crimes charged against them by the grand jury? A. I believe I talked with some of the commissioners about it, and I think the information I got was that the superintendent was investigating the evidence that had been taken by the grand jury; and I think my attention was afterward called to the fact that most of it was based on newspapers attacks on the department.

Q. Sir? A. I referred to it, and talked to my associates on the subject, and that my judgment now is that as the superintendent was looking into the matter he inquired as to the evidence produced before the grand jury it was learned that the evidence was composed wholly of attacks made by the newspapers.

Q. The superintendent himself was before the grand jury? A. Yes, sir.

Q. And the heads of the police department were before the grand jury? A. I do not know about that.

Q. I am informing you and the public records bear out what I tell you? A. I was not there.

Q. You were a new commissioner just barely put into office and it would not be assumed that the grand jury would inquire from you? A. I remember the superintendent was before the grand jury at that time; I remember he talked with me about it.

Q. That shows that the testimony before that grand jury was of a more solid nature than the reports in the newspapers? A. I do not recall all the superintendent told me, but I know among the stuff was, the charges were mostly based on the newspaper charges.

Q. You are a lawyer, and don't you know that a grand jury is a legal body, can not proceed to make a formal indictment against a body like the police force of New York upon mere newspaper accounts and statements? A. They ought not if they do.

Q. Do you mean to say this grand jury presented this indict-

ment to the police force on newspaper accounts? A. I do not mean to say it.

Q. As matter of fact they were one month in taking that testimony from the police department? A. I don't know anything about it.

Q. Let me call your attention to a public statement of the foreman of the grand jury, Mr. Tabor, a few days afterwards in which he said that the evidence before the grand jury indicated that blackmail to the extent of from seven to ten millions of dollars per annum were paid to the police department of this city; do you remember that published statement, published in all the newspapers, by Mr. Tabor, the chairman of the grand jury, who made that statement? A. I don't know whether I did or not; if he made that statement he lied; it would be impossible to levy any such blackmail.

Q. And you state now, commissioner, that this gentleman, a reputable resident of New York city, a well known merchant a man who has been foreman of the grand jury for a great number of times, and after hearing testimony for a month and making that statement, lied? A. Yes, that is my answer to it.

Q. Then you make the answer that he lied? A. Yes, sir.

Q. Well, do you in any way qualify the lie that he uttered; was it to the amount or to the fact? A. I have said before that I had a notion myself that something of that kind was going on; but when a man stands up and makes a statement of that kind he must have made a mistake.

Q. I ask you again, did Mr. Tabor lie as to the amount received in blackmail by the police department, or as to the fact that they received any blackmail? A. I am not denying that blackmail has been going on in the department for 20 years; but I do not know that of my own knowledge; I only base my knowledge from rumor.

Q. Then we have it that Mr. Tabor did not lie as to blackmail being paid to the department; now I am trying to differentiate where you draw the line of distinction between falsehood and the truth? A. I think he lied all through that statement.

Q. Did he lie when he said that the police department received blackmail? A. I don't know what —

Q. Did he? A. I don't know what information he had about blackmail.

Q. No; meet the question squarely and answer it? A. I don't

think he had any evidence except what he read in the newspapers

Q. I don't care for your thoughts at all; meet the question fairly and squarely now; do not dodge; did Mr. Tabor lie in that part of his statement where he said that the police department received blackmail? A. I don't know what information he had.

Q. Did he lie? A. I don't know anything about that subject.

Q. You have sworn that he lied? A. Yes; on —

Q. We have that from you several times; that is an important statement coming from a police commissioner of this city against a foreman of a grand jury; now I ask you did Mr. Tabor lie in that part of his statement where he said the police department received blackmail? A. I think anybody who states that any department received blackmail to the extent of \$10,000,000 a year lies

Q. Will you answer my question; you will answer it in a different way; did Mr. Tabor lie when he said that the police department of this city received blackmail? A. He lied when he said the police department levied \$10,000,000 a year on the city of New York.

Q. Did he lie when he said the police department of this city received blackmail of this city; you are dodging? A. I told you my opinion as to blackmail.

Q. You have sworn to a fact; you have charged this gentleman with lying; now I ask you did he lie when he said the police department of this city received blackmail? A. He lied when he said they levied \$10,000,000 blackmail in the city of New York.

Q. He did not lie when he said the police department received blackmail? A. I said I admitted that some have received blackmail.

By Chairman Lexow:

Q. You know it don't you? A. I do not know it.

By Mr. Goff:

Q. You believe it.

By Chairman Lexow:

Q. Why did you convict the captains you have convicted of crime? A. In those cases we have the evidence.

**Q.** Then you knew blackmail was paid? **A.** In those cases; yes.

**By Mr. Goff:**

**Q.** Did Mr. Tabor lie when he said the police department of this city received blackmail? **A.** I answered your question.

**Q.** No; you have not; I will put the question again; it has been put a great many times.

**Chairman Lexow.**— We know he did not lie, Mr. Goff.

**By Mr. Goff:**

**Q.** I want to get the commissioner on record; he has charged this gentleman with lying several times in this case? **A.** Every sensible man in New York would say he lied when he made such a charge.

**Q.** Commissioner, in justice to yourself I ask you to place upon the record your answer to my question; did Mr. Tabor lie when he said the police department received blackmail? **A.** He may have had some information that warranted him in making that statement.

**Q.** Did he lie? **A.** He lied when he said \$10,000,000 was levied on the people of New York.

**Q.** I asked you if he lied when he said the police department received blackmail? **A.** I presume he had some evidence that he based his opinion on.

**Q.** You can not swear he lied when you said that? **A.** I am not referring to that matter.

**Q.** You make your answer that when you said he lied you did not mean he lied in that portion of his statement that the police department received blackmail? **A.** For 20 years they have received blackmail.

**Q.** Why do you always drag in 20 years; what do you know about it? **A.** Heresay; just what you know about it.

**Q.** Haven't you stated that your knowledge of corruption in this city arose largely from the testimony taken before this committee? **A.** No, sir; I have read it in the newspapers seven or eight years.

**Q.** Didn't you say that your conviction that blackmail was paid, arose from the testimony before this committee? **A.** No, when it was brought home in this particular case.

**Q.** I will refer again to my question, commissioner, did Mr.

Tabor lie when he said the police department of this city received blackmail? A. I say he may have had some evidence or information that warranted him in making that statement; whether he lied or not I don't know.

Q. You have said of this gentleman — Mr. Sheehan, in justice to yourself and this gentleman — by you — you being a public official, during his term of office — I ask you when you said he lied, did you mean to say that he lied in that part of his statement where he charged the police department of receiving blackmail? A. I mean to say he may have had some information on which he based his assertion that they received blackmail; but he lied when he said they received \$10,000,000 a year annually blackmail from the people of New York.

Q. I want you to deal fairly with Mr. Tabor; and while you have made a very intemperate answer I want to give you an opportunity to put your own record; do you mean to say you intend us to believe, or understand, that Mr. Tabor lied when he said the police department received blackmail? A. In all probability he had evidence when he made that statement.

Q. I want to give you the opportunity of removing from yourself the stigma of charging a foreman of the grand jury of being a liar in his public statement? A. I say in answer to that he had no evidence that justified him in making such a statement.

Q. How do you know? A. It is impossible to say ten million dollars could be levied on the city of New York by the police of New York in the way of blackmail; why the people would have risen up and stricken them out of existence.

Chairman Lexow.—That is what they are doing now.

The Witness.—Time will tell.

By Mr. Goff :

Q. Do you mean to be understood that Mr. Tabor lied only as to the amount of money received by the police department for blackmail? I will take it in every possible phase? A. If I saw Mr. Tabor's communication and read it through I would be a better judge.

Q. You have under the statement I made declared him to be a liar? A. So far as the amount he claimed was collected by the police force.

Mr. Goff.—I believe a communication has been received that there is a meeting at half-past 1 of the board; and I suggest a recess now, Mr. Chairman, until half-past 2.



The Witness.—Our regular meetings are on Tuesday and Friday and last until 4 or half-past 4, our regular days.

Mr. Goff.—You will have to request your board of commissioners to get along without you.

The Witness.—The business emanates from the committee of which I am chairman.

Chairman Lexow.—All witnesses subpoenaed for this morning will attend at half-past 2 o'clock. The committee stands adjourned until that time.

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### AFTERNOON SESSION.

October 30, 1894.

Present.—The Senators and counsel as before.

Witness John C. Sheehan, examination continued:

By Mr. Goff:

Q. What was your reason, commissioner, the other day in opposing the motion made by Commissioner Murray? A. One moment, please, until I get a glass of water for lunch; now, Mr. Goff, I am ready.

Q. Commissioner Murray the other day moved in the board that policemen be appointed to election districts in other places than where their homes were; you opposed that motion, and the motion was lost by reason of a tie; it would be interesting to know your views as to why such a motion should not prevail? A. Because all the power that is necessary is now lodged in the hands of the superintendent, and he can send policemen where he sees fit to send them on election day; it needs no direction from the police board whatsoever.

Q. But the motion was designed as a positive order, and the superintendent, under the rules of the department, is bound to obey that order; and since it designed a positive order and did not leave it at the superintendent's discretion, I would like to hear your ideas and your reasons why such a motion should not be resolved into a positive order? A. There was no occasion for it whatever; the law fixes his duties; he can send a policeman where he sees fit, and I, for one, do not want to be charged

with interference with the superintendent in the discharge of his duty.

Q. Heretofore, Mr. Sheehan, it has been charged, and, indeed, it has been sworn to on this witness stand, that special applications were made, had been made, to have policemen assigned to election duty at their homes or in the districts where their homes were situated, and that such appointments had resulted in intimidation at the polls; having that in view, don't you think that a positive order by the police commissioners to prevent the occurrence of such an occasion or such a circumstance would be beneficial to the police — A. No necessity for it; the superintendent has the power.

Q. — As well as beneficial to the public? A. The superintendent has the power to do it without any direction from us and will undoubtedly do his duty, I presume.

Q. And if it appears and has been testified to that that duty has not been heretofore performed at least in a way that resulted satisfactorily, what objection was there in the police board or in your mind for the police board to make a positive order upon the subject? A. No reason for it whatever; if the superintendent thinks it a is proper thing to do he can send a policeman wherever he sees fit to do duty.

Q. But if applications are made to the police commissioners for the appointment of policemen to certain polling places they can do so, can they not? A. No, sir.

Q. Have they not done so? A. The have not to my knowledge.

Q. Why Commissioner Martin testified before this committee early this year that on the application—I believe it was of Judge Roesch, a district leader—that he appointed certain policemen to certain election districts on election day? A. If he said so I think he is mistaken; he may have said that he spoke to the superintendent on the matter.

Q. No, that he had assigned to duty in certain election districts certain police officers at the request of Mr. Roesch? A. I would like to see the evidence before I can answer that.

By Chairman Lexow:

Q. Mr. Commissioner, didn't you see that evidence by, I think, the president of a district association of one of the districts in this city in which he admitted that John J. Ryan, I believe, the Tammany leader, had said of the police of the dis-

strict, that they were to get votes, that the police of the district were with them; now, don't you think that upon the basis of that testimony given by a member of the same political organization of which you are a member that it would have been proper or expedient to have changed the police this time from the places where they lived to other precincts in the city? A. I have read no such evidence and before I would give a conclusion on it I would want to hear Mr. Ryan's side of it.

Q. This was the testimony of a witness who did not want to testify before this committee, and who was finally upon cross-examination induced to make that statement, very reluctantly; there can not be any doubt about the truth of it; have you not read the testimony that has been taken before this committee? A. No, sir, I have not; I never paid any attention to it.

Q. You haven't followed this committee at all? A. No, sir.

By Mr. Goff:

Q. In the early part of the investigation did you not have papers brought to your house in the morning? A. In the early part of the investigation I read the papers; latterly I have not.

Q. There were messengers from you, or from the department, down at the newspapers offices at four o'clock in the morning, to get the first issues of the papers; were there not? A. No, sir; never on top of this earth.

Q. What? A. Never.

Q. You were very anxious to get the reports? A. I was not very anxious; I read the news the same as I would on any morning.

By Chairman Lexow:

Q. Mr. Commissioner, do you mean to say that you have not followed the testimony that was brought out before this committee, revealing the mass of corruption that was brought up; that you haven't thought it sufficiently important, as head of the department, interested in the matter, to follow the testimony given here? A. I expected that evidence would be brought before me some day as a judge; and I was going to be capable of acting on it as a judge and not in a prejudiced manner.

Q. Do you mean to say that the reading of that testimony

would prejudice you? A. It might not; but sufficeth to say, I didn't read it; that answers your question, I think.

Q. Yes; it does? A. I admitted to Mr. Goff that at the beginning of this investigation I read the evidence; I have always read any evidence as charged any particular officer with receiving money, or doing anything that was outrageously wrong.

Q. And you are in favor of an honest election, Mr. Commissioner? A. I am decidedly so.

By Mr. Goff:

Q. A police officer upon this witness-stand, a member of your department, has testified, and we may say an unwilling witness, I think; has testified that for his attempt on last election day to put a loafer out of a polling place, the captain of the election district complained of him to the police, and within ten days thereafter he was changed to another precinct; and he was taken away from the polling place on that day and put to watch a fence on First avenue, a board fence; do you remember reading about that? A. I don't recall it.

Q. Well, commissioner, as the head of this department, where such testimony as that would come from one of your own officers, of oppression on him on account of the performance of his duty, do you think you were doing your duty in letting such an affair or an occasion pass by without inquiring into it? A. If my attention was called to it I would have inquired into it, and I presume that if it was of such gravity as required an inquiry into it the superintendent would have reported it.

Q. Has your attention been called to any particular case testified before this committee? A. Yes.

Q. Well, name the case? A. I cannot name it; a number of cases.

Q. There was a great number, was there not? A. Yes, sir.

Q. Has your attention been called to the case of Officer Hussey, which was particularly revolting, before this committee? A. What was the case; I don't recall it.

Q. Well, if you cannot recall Officer Hussey's case, after being informed of the nature of the case, Mr. Commissioner, I think it is too late to commence opening up a primary school for you here? A. All right.

Q. Did you hear of the cases of clubbing that were brought

before this committee? A. I heard that one side of it was presented here.

Q. Did you hear that one side of the clubbing cases was taken from the records of the police department only? A. I heard that the records of certain officers charged with clubbing were produced here, and the examination, or rather the defense interposed by the officers, was not considered in any way, shape or manner.

Q. Did you hear that in every case that was cited before this committee that the commissioners fined the officers? A. I presume I did.

Q. Then we brought the judgment of your own department and the records of your own department? A. Yes.

Q. And you don't mean to insinuate, of course, that these judgments were erroneous? A. No, I do not.

Q. And these judgments passed upon cases, extreme cases of cruelty and clubbing, by the men of your department on the citizens of New York? A. I would not take them as extreme cases of cruelty until I heard the evidence and heard the witnesses.

Q. But the commissioners decided in each case, and we didn't bring any hearsay cases here; we brought cases from your own records; do you remember those cases? A. I remember that you had some cases here.

Q. Has anything been done by the board of police commissioners since the occasion of the clubbing, matters brought before the board to eradicate or remedy the evil shown by that day's proceedings? A. No, sir.

Q. You said a little while ago that if your attention had been called to any specific case that you would try and act upon it; here you say your attention was called to the clubbing cases that affect the safety of all the citizens of New York; have you acted upon that case? A. If the clubbing that you refer to was of such character —

Q. I won't listen to you; answer the question. A. The parties would be told to go before the grand jury and have them indicted.

Q. I won't listen to you; now, answer my question? A. I am answering your question.

Q. It would be more to your credit not to endeavor to bulldoze this committee, but to answer the questions put to you, commissioner? A. I haven't the reputation of being a bulldozer.

Q. If you hadn't earned it before you justly earn it now? A. I am much obliged for your remark, Mr. Goff.

Q. (Repeated by stenographer.) A. We will probably act on that in due time.

By Chairman Lexow:

Q. Have you? A. I have answered that.

By Mr. Goff:

Q. Now, sir, did you ever hear any authority or any person of responsibility make a charge similar in language or in substance to the charge made by Mr. Tabor, regarding the amount of money realized by the police department from blackmail, a year? A. I may have read some such stuff as that in the newspapers; and in answer to Mr. Tabor's charge I want to say that he evidently had no knowledge; he was foreman of the grand jury, or a number of the grand jury, and no indictments were presented.

Q. Do you know the difference between an indictment and a presentment? A. I do.

Q. What is the difference? A. I am not here to answer that.

Q. You say that no indictments were found; I ask you now if you know the difference; I ask you what the difference is? A. I am not here to tell you that.

Q. The truth of it is that you don't know? A. Now, Mr. Goff, you can not learn me anything at all.

Q. Of course, commissioner, I can not learn you anything? A. No, sir; I don't think you can.

Q. You might be taught something, but you can not be learned anything? A. The way you have acted on this trial shows that.

Q. Well, an evening newspaper of this city stated that after a careful calculation and tabulation that the income derived by the police board from the various sources of blackmail in this city amounted to \$15,000,000 a year; will you give the same answer to that newspaper statement that you made to Mr. Tabor's statement? A. I believe I heard that statement.

Q. Do you make the same answer to it? A. My answer is that they must be mistaken.

Q. You said that Mr. Tabor was a liar; will you say that the newspaper was a liar? A. I am not prepared to go that far.

Q. You don't want to court the hostility of the newspapers,

I suppose, by applying the same epithet to them? A. I don't care about the newspapers.

Q. If Mr. Tabor was a liar — A. I will qualify it; I may have made a mistake; he was mistaken.

Q. You have had time during the recess to think of the harsh language you used toward an estimable gentleman? A. I went to headquarters and back, went to work and came back here.

Q. It was in the Evening Sun? A. I thought it was the Evening Express, the Mail and Express.

Q. The tables of figures were set out in the Evening Sun; now, the Sun, both morning and evening, always shines for the truth? A. Yes.

Q. And you say, Mr. Commissioner, that it failed to shine for the truth on that occasion when it made that statement? A. Newspapers are as liable to be mistaken as anybody else.

Q. How about that statement? A. I can not tell.

Q. Do you know anything to the contrary? A. I don't believe it is true.

Q. You don't believe it is true? A. No.

Q. You differing with it only on the question of amount? A. I have stated repeatedly so far as my belief went I believed there was corruption in the police department; now, I would have to believe any newspaper that made that charge, because I had got that belief; I am possessed of it.

Q. I ask you again, in the face of that belief, the expression of which you have reiterated, have you ever taken one step beyond that Chinese wall which you have referred to in your investigation, to find out where the corruption was? A. I have taken every step that it was possible for me as a police commissioner to take to discover corruption in the police board.

Q. But you can not cite to this committee one actual step that you took or any actual thing that you did? A. I have taken every step that it was possible for a man to take.

Q. That is very easy; you have taken in your own judgment, but here this committee is seeking for evidence, and what you may conclude as being every step may not be evidence of steps at all; this committee asks you to cite one practical act that you did toward the discovery of where the corruption laid? A. Men engaged in that business are not going to come here and tell me.

Q. Now you are arguing with me? A. I tell you I have done

everything that is possible for a human being to do, so far as my judgment went and so far as my information went.

Q. We are not asking now for what you consider your judgment; we are asking for a fact; can you cite one instance of one man that you inquired of or that you investigated to find out where this corruption laid? A. In answer to that, I will say that every time my attention was brought to anything of the kind I investigated it as far as I could do so.

By Chairman Lexow:

Q. Mr. Commissioner, did you ever cite the superintendent before the board of police commissioners and state to him the character of the rumors that you had heard, the fact that you had learned or had heard, that corruption was rife in the police department, and ask him to make an investigation in the matter? A. I have had frequent talks with the superintendent; he was never cited before the board to make any such inquiry.

Q. I mean did you ever formally call the superintendent before the board and say, "Why the people, the newspapers of this city, charge this department with corruption from one end of it to the other We want to investigate into that and report to this board whether there is any truth in the charges"? A. He was never directed in the way you put it, but he was talked to every time anything appeared concerning it.

Q. In other words, there never was any formal action taken by the board of police commissioners as police commissioners with regard to the superintendent? A. Why, certainly, every time anything of the kind would come up he would be requested to look into it.

Q. Through the police commissioners? A. It might have been through the president of the board.

Q. I am asking you whether the board as a board, as a body, ever called upon the superintendent to make an investigation into these charges, stating the gravity and the rumors that came to your ears? A. Not that I know of, that it went to him in the way you say.

Q. Did you ever cite before you the captains of the various districts and ask them as to corruption in their various districts? A. No, sir; if the superintendent had reason to believe there was corruption he would undoubtedly have put the captain on trial before the commissioners.



By Mr. Goff:

Q. Before recess you stated in relation to the pool business —  
A. What business?

Q. To the pool-rooms, that when a certain act of the Legislature was passed recently declaring all forms of pool-selling illegal that many of them went out of the business and many of them were gentlemen; now, I would like to know, first if you can give us the names of those that went out of the business? A. I can not; I heard of men that went out of the business.

Q. Well, state them? A. I can not tell.

Q. Now, you say some of them were gentlemen; can you cite some of them that were gentlemen? A. I believe they were all gentlemen.

Q. All gentlemen; that is, all the pool-sellers in New York at the time you say this act of the Legislature in 1893 took effect; this last act of the Legislature, relating to pools, they were all gentlemen? A. So far as I know; yes, sir.

By Chairman Lexow:

Q. The law called that business, if you please to call it so, a felony. A. The law decided otherwise; the Supreme Court of this State decided it.

By Mr. Goff:

Q. I have been under the impression that the language of the Supreme Court is somewhat different; it has been read to you. A. Yes, sir; I have read it, and under that decision the pool-sellers, I assume, believed they were doing a legal business.

Q. I am not asking you what you assumed they believed; I am asking you to explain the voluntary statement made by you that these men were gentlemen and that some of them went out of the business? A. I heard that.

Q. Who told you? A. I don't recall now who told me.

Q. Was it not a remarkable statement to be made by a police commissioner that men who were employed or who were engaged in the daily commission of felonies were gentlemen, and you can not tell us the names of the parties who described them as gentlemen? A. I don't believe they were committing felonies with a decision of that kind on the records of the courts.

Q. This was after 1893 when an act was passed; you said that

when that act was passed that a number of them went out of business and that many of them were gentlemen; now I wish to know which of them were gentlemen? A. I didn't locate the time when I said they were gentlemen; I said men engaged in that line were gentlemen.

Q. Well, then you have an acquaintance with them of a character intimate enough to say they are gentlemen? A. I don't know one in New York that was engaged in that business, personally, that I know of; I heard the remark passed in the body of the crowd here yesterday when going out that a lot of pool sellers quit business when that act was passed; it was not addressed to me, but I heard it.

Q. Was it because you heard a casual remark in a crowd leaving this court room that you induced it into your sworn testimony? A. No, I heard it before; I heard that some of these pool sellers had quit after that act was passed.

Q. Are there any pool sellers in New York now carrying on their business? A. Not as I know of.

Q. What about the policy shops? A. I know of none.

Q. It has been sworn here before the committee that by actual examination that there is not a precinct in the city of New York where there are not policy shops doing business this very month? A. I believe at a time there were.

Q. This month it has been sworn to? A. I don't believe it.

Q. That the very day upon which the witness took the stand, a witness produced and examined, the result of a personal visit to about 800 policy shops in this city, covering every precinct in this city; has your attention been called to that? A. I heard that, yes sir.

Q. Has the board taken any steps in connection with that? A. I don't believe that the testimony is true.

Q. Has the board taken any steps in connection with that? A. No, sir.

• By Chairman Lexow:

Q. I would like to ask the commissioner a question in regard to that; did you read the testimony in reference to a peculiar class of stock gamblers in the city here, the Sterns Commissions Company? A. Yes.

Q. Did you hear or read the testimony of Mr. Valentine, I think it was, to the effect that there were any quantity of similar

establishments running openly at or in or around Wall street at that time; did you read that? A. I read the testimony; I don't know —

Q. Has any attempt been made to arrest or stop the carrying on of that business? A. I don't know what the superintendent has done.

Q. Have the police commissioners done anything? A. That is the duty of the superintendent.

Q. They have done nothing? A. No, sir; the superintendent executes the laws.

Q. We understand your position; but have they done it? A. Certainly not; we don't execute the laws.

By Mr. Goff:

Q. Referring to my line of questioning this morning, Mr. Commissioner, is there anything left for the overworked commissioners to do? A. If you had to do it you would find there was a great deal of work to do.

Q. I am not questioning but that your time may be taken up, but I am asking you, as a police commissioner, what is there left for the police commissioners to do in the city of New York; what is there left for them to do? A. In what way.

Q. Outside of seeing that the \$5,000,000 appropriation is spent? A. Why they have to do everything the law requires them to do; so far as they can.

By Chairman Lexow:

Q. Supposing, Mr. Commissioner, that there was a riot in this city and that the superintendent did nothing to quell that riot, would the four commissioners sit in their rooms and pay no further attention to it, relying upon the fact that the executive officer of the police should perform his duty without interference with them? A. No; that would be evidence of the fact that he was not doing his duty, and they would endeavor to put somebody in there that would.

Q. When you read the testimony that there were these illegal practices going on in and around Wall street, that the policy shops were running and violations of the law committed, and seeing that the superintendent did not do anything, did you not deem it your duty to see why? A. All these cases will be brought before the police commissioners when the counsel to the commissioners is ready to take hold of them; at the present time he is not.

By Mr. Goff:

Q. You say you don't believe the testimony regarding the prevalence of policy shops? A. Not to the number you say; there might be a policy shop out in Broadway now; they spring up in a moment any place.

Q. For instance, even as late as yesterday the slips that I hold in my hand were issued from policy shops in this city? A. I would like to see one.

Q. And exhibited to the president of your board. A. (Counsel handed witness paper.) I never saw a policy slip before; I have got more information now than I ever had before; I can say I saw a policy slip.

Q. This investigation has learned you something? A. Oh, it has taught me a little.

Q. And it has enabled you to be learned by looking at a policy slip that you never saw before? A. I have seen for the first time a policy slip, what you call one, if it is one; I don't know.

Q. I beg your pardon? A. If it is one; I don't know; I have taken your word for it.

Q. These slips were issued right in Captain Westervelt's precinct yesterday, and the attention of the president of the board was brought to them; now, your board so far as you know, has it taken any action upon that? A. I can not tell you; I have been here in this committee room almost every day; I don't know what they have done.

By Chairman Lexow:

Q. We are trying to get at the system here; if complaints of that kind were lodged with the police commissioners they would not pay any attention to them at all, would they? A. Certainly, they would send them to the superintendent.

Q. They wouldn't pay any personal attention to it? A. Not to go out and investigate.

Q. They would send whatever complaint was handed in to the superintendent? A. Certainly, and if we heard no word from the superintendent on the subject we would assume that the matter had been attended to and the place rooted out.

Q. Then all the complaints that have been made to the police office have been handed over to the superintendent and if he

has not made a presentment on those facts to the board of police commissioners then he has been derelict in his duty, has he not? A. No; I recall some places where I received anonymous letters stating the existence of policy shops in this place or that place, and I know I sent those to the inspector of the district in which they were located with a note requesting him to look into the matter at once and let me know of it, and in some cases the inspector had reported that the matter was attended to and that he found that policy had been played there but that he closed them up, run them out.

By Senator O'Connor :

Q. Does your board rely absolutely on the superintendent for the condition of affairs in New York affecting the police?

A. To a certain extent we have to rely on the superintendent.

Q. To a certain extent? A. To a great extent; in fact entirely.

Q. So then really the situation is this, that for any failure to execute the law why you look to and hold the superintendent of police responsible? A. If we find that the superintendent was not performing his duty of seeing that the laws were executed in a proper manner we would certainly hold him responsible, and we would look to him; we do look to him for the enforcement of all laws and all ordinances.

Q. Has anything occurred in the board or has any instruction been given or any intimation given to the superintendent of police that he should wink at or overlook these violations that have been proved before this committee? A. No, sir; nothing of the kind ever happened.

By Mr. Goff :

Q. But Mr. Commissioner, we have touched upon a line of testimony as to the intelligence of the department and upon that question is suggested to me touching the mechanical apparatus by which intelligence can be conveyed to the department, known as the signal system; have you got the best and most improved system in this country? A. What do you mean; police signal system?

Q. Yes. A. No, sir; I don't believe we have.

Q. Is it not a fact that this city, of all the large cities of the Union, is behind in that respect? A. I think this city ought

to have a better police signal system, and it is behind some of the great cities of the country; Chicago has got a better signal system than we have.

Q. And Boston had a better signal system? A. I believe so, yes; but the system that we have got provides for all the necessities of the time, although it might be much improved, as I say.

Q. Can you give us the reason why the city of New York has not got the best and most improved system of signals? A. Because money for that purpose was never placed at the disposal of the police board, I presume.

Q. Never placed at the disposal of the police board? A. They never had the money with which to take the matter up.

Q. Let us see; from the minutes of your board I read, dated January 13, of this year, among other items for the year: "For construction of electrical signal boxes, 1887, \$100,000. Unexpended balance of appropriations available for transfer to the general fund of the police department." What is that item; (Counsel handed witness paper.) Read the first there, and then read the second? A. That is \$100,000 that was appropriated, I think, before I became connected with the police department for the purpose of beginning the inauguration of some such system, and I believe the police board all arrived at the conclusion that that was insufficient even to commence operations with, and they have endeavored to get more; last year there was \$500,000 put in the appropriation for that purpose to the board of estimate and apportionment, and it was struck out and nothing has been done.

Q. So the matter stands this way; that since 1887 the police board of this city has been carrying from year to year \$100,000 of an unexpended balance appropriated in 1887 for the construction of electrical signal boxes in this city? A. I presume that is the case.

Q. And that \$100,000 of the people's money has been lying in your hands as a police board since 1887 and not applied for the purpose for which it was originally appropriated? A. I believe it is in the hands of the comptroller, not in the hands of the police board.

Q. It is an unexpended balance and subject to the warrant of your treasurer? A. Only for that purpose, and it is in the hands of the comptroller.

Q. Precisely; but we get back to the fact that as an unexpended balance it has been carried from year to year? A. It has not been spent.

Q. It has been carried from year to year and not applied to the purposes for which it was appropriated in 1887, that is signal boxes, which you say are needed in New York? A. Well, I can not say what the board did, but it is evident the money was not used, and the reason it was not used is that they didn't have money enough to inaugurate the system with.

Q. What has been done since you have gone into the board? A. Since I went into the board I remember, as chairman of the committee to which the matter was referred, making an elaborate report, recommending that steps be taken at once to inaugurate such a system, and the report you can get at police headquarters; it goes into the whole matter, and I recommended that an earnest effort be made to induce the board of estimate and apportionment to give us sufficient money to start the inauguration of this system; I believe it was on that report that \$500,000 was afterward put in the estimate, but it was finally stricken out on the last day.

Q. But the point we are interested now in is, that \$100,000 of the taxpayers' money has been in the possession of the police board since 1887, that is, seven years, and not expended or applied for the purposes which the taxpayers appropriated it? A. Well, I can only speak for two years; Mr. Goff, I know nothing about seven years ago.

Q. I am speaking for the term now— A. As far as I know that \$100,000 is in the hands of the comptroller and has never been used for the purpose for which it was appropriated.

Q. Well, you say you made a report? A. Yes, sir.

Q. Was that report based upon your examination of any proposed system? A. All the proposed systems were in my hands for examination and report.

Q. And as far as you, not being an expert, of course, in electrical matters — so far as you could judge, from the experiments, etc., brought to your knowledge, you recommended that a system be adopted? A. I selected no particular one.

Q. You selected no particular system? A. No; simply recommended that the necessary steps be taken.

Q. Was there more than one system? A. There were a number before the board.

Q. There was one called the Tellesmy? A. I don't recall the names; there were a number of them; that might be one of them.

Q. But you didn't recommend any system? A. No, sir; I want you to understand I have some knowledge on that subject; I was a telegraph operator for four or five years, and I know something about it.

Q. Then you know something about electrical matters? A. Yes, sir.

Q. You were careful to avoid any particular system or any particular devices? A. I recommended no system whatever; my idea was that all the systems should be submitted to some test to know which was the best.

Q. Do you know of any company which submitted an estimate to you in which certain gentlemen of this city were large shareholders? A. No, sir.

Q. Did you ever hear it? A. No, sir.

Q. Did you ever hear of a company called The Municipal Signal Company of Boston? A. I think that that was one of the companies that the papers concerning it were in my hand.

Q. Did you know that there were men in this city very largely interested in that company? A. I did not.

Q. Did you ever hear, for instance, that Mr. Edward Stokes was a large stockholder or shareholder in that company? A. I never heard it.

Q. You didn't recommend it any more than any other company? A. No, sir; I recommended nothing concerning any particular company.

Q. I supposed you studied up these matters before you recommended that a system be adopted; you studied it up and found it to be a necessity? A. That a signal system be adopted; I don't recall now what the report said.

Q. I will refresh your mind now on what your report said: Report of October 13, 1892: "Mr. Sheehan's report is as follows: In no other department of municipal government has there been so little progress as in that of the police in this respect." Do you remember that? A. I do; yes, sir.

Q. Well, now, do you remember getting the advertising press pictures or circular of this Boston Municipal Signal Company? A. Every company which submitted proposals sent with them a great lot of circulars, explaining what their system was.



Q. I asked you about this Municipal Signal Company of Boston; do you remember ever studying up their prospectus or circular? A. I looked through all the papers of all the companies; I don't know what they submitted now.

Q. Let me read a paragraph from the prospectus or advertising circular of the Municipal Signal Company; you will bear in mind the paragraph I have read from your report; I read from the Municipal company's advertisement: "In no other department of municipal government has there been so little progress as in that of the police." Suppose, I read your report again? A. Very near the same words, I presume.

Q. Mr. Sheehan's report: "In no other department of municipal government has there been so little progress as in that of the police in this respect;" from the signal company's circular: "In no other department of municipal government has there been so little progress as in that of the police?" A. I believe most every paper submitted by all the different companies made about the same reference.

Chairman Lexow.—Are there quotation marks in the report of the commissioner.

Mr. Goff.—No; the inverted comma is absent.

The Witness.—I believe that all the companies that made propositions to put in electrical system said exactly the same, that we were behind all the cities of the country in reference to police signals, and there is no question about that.

Q. I read from your report: "In turbulent districts policemen are often surrounded by the mob, which gradually gathers and follows in the wake of an officer while he is engaged in making an arrest." From the signal company's advertisement: "In turbulent districts policemen are often assaulted by the mob which gradually gathers and follows in the wake of an officer while he is engaged in taking an arrested person to the station-house?" A. Well, could you describe it any better?

Senator O'Connor.—Probably the commissioner could not improve on the language.

The Witness.—I don't know how I could. It describes it in very good shape.

Q. I read further from your report: "The assault usually takes the form of an attempt at rescue, and lives have been frequently lost at such encounters?" A. Now, I might say that before I made a report I had a report from the electrical

superintendent of the police department, and most of his report was embodied in my report and made a part of it.

Q. I read this again: "The assault usually takes the form of an attempt at rescue and lives have frequently been lost at such encounters." The signal company's advertisement: "The assault usually takes the form of an attempted rescue of the prisoner and lives have not infrequently been sacrificed in such encounters?" A. Very good language.

Senator O'Connor.—Mr. Goff, don't you think he has a good precedent in view of the fact that recently a very eminent gentleman quoted from Moore's "Fire Worshippers" without giving credit to the author.

Mr. Goff.—That is true, but it must be remembered that Tom Moore has been dead long enough for his expressions to become the common property of anybody; and to make use of a quotation from "Lala Rookh" is a very different thing than for a police commissioner to be making quotations from the advertising circular of a system which he recommends to the police board for adoption.

Senator O'Connor.—I was only reminded of the incident.

The Witness.—The company which you referred to, in my judgment their system was the worst of all submitted.

Q. I read further from Commissioner Sheehan's report: "Patrolmen are sent on their posts to practically act for themselves; when once there they are cut off from communication with their superiors and free from all surveillance except the occasional visits of sergeants and roundsmen;" now, I read from the advertising circular: "The patrolmen has been sent to his route, post or beat to act for himself, and once there he is cut off from all communication with his superiors and is free from all surveillance except it may be the occasional visit of a sergeant or inspector." Can you explain, Mr. Commissioner, the remarkable and touching similarity of the language contained in your report and that contained in the advertising circular of the Municipal Signal System of Boston? A. I think practically the same language was used by all the companies who had proposals before the police board.

Q. Will you please answer my question; can you account for the similarity? A. My report was based on the report of the superintendent of telegraph, and his language was used in my report, to a great extent.

Q. I deal fairly with you; I ask you a fair question; can you account for the similarity of the language used in your report

with the language used in the advertising circular of the Municipal Signal Company, of Boston? A. I can not.

Q. Now, is it not a fair inference, from what you have heard read here from your report, and from the Municipal company's advertisement, that you had the Municipal company's advertisement before you when you wrote your report? A. I certainly had all of them before me.

Q. And you copied your language from the Municipal company's advertisement? A. I may have copied it from all of them.

Q. I have only read from the Municipal company's advertisement, and you copied it? A. I didn't say so; I may have copied from it; you couldn't describe it in any better way than it is described there, and beyond any doubt I have taken it from there.

Q. I am not questioning at all the propriety of the language and its aptitude; I am simply asking you, if you relied upon the language of the advertising circular in making your report recommending the adoption of this system?

Chairman Lexow.—He answered that. He said, beyond any doubt, he relied upon that advertising circular in making his report.

A. I had all the papers before me, and I will say, again, that I think their system was the worst of any.

Q. Did you recommend the adoption of any particular system?

A. No, sir; except that there should be a system.

Q. You simply adopted their reasoning? A. Their reasoning, and, I think, I wound up, that a test ought to be provided for in order to determine which one should be the best for the purpose.

By Senator O'Connor:

Q. The sinning seems to consist in the fact that you didn't give credit to the proper parties for their reasoning? A. The circulars of all companies read about the same, showing why there should be improved systems in New York.

Q. In other words, Mr. Goff, among the other offenses against the commissioners, is the offense of literary piracy.

Mr. Goff.—Mr. Senator, if the piracy was confined to literature, there would not be much occasion for this Senate committee to be sitting here to-day in New York.

Senator O'Connor.—I have no doubt of that. I agree with you there. I said, that among its other offenses.

By Mr. Goff: !

Q. Now, you have spoken here, Mr. Commissioner, about the superintendent of police, a great deal? A. Only when I was asked in reference to him. :

Q. And I wish to call to your mind an interview had with you in the Sun of Sunday, December 7, 1893, in the same issue in which Mr. Croker's interview is contained; the paper says: "Police Commissioner John C. Sheehan was seen last night at his residence, 464 West Twenty-third street, and said as follows: 'It is on a par with the newspaper stories to the effect that the superintendent's hands are tied and that he is powerless to act as he would like, because of restrictions put on him by the commissioners. That assertion is false. The superintendent's hands are not tied.'" Now, that is true? A. That is true; yes, sir; I don't know what led up to that interview, but my language there is correct; I used some such language.

Q. "He is the executive officer of the board. The recent transfers of captains were made on his recommendation." Do you remember that? A. If I said so it must be correct; what date was that?

Q. December 17; I am not reading from the paper — A. That is all right; I will take what you say.

Q. — Because my eyesight is not very good, but I will hand you the paper itself? A. I looked at it the other day.

Q. I showed it to you the other day? A. Yes.

Q. It is dark here and I can not read from it very well; it is small print. "The recent transfers of captains were made on his recommendation. Mr. Byrnes himself wrote on a slip of paper the names of the captains he wanted to have transferred and the precincts he wanted them sent to. He handed the slip of paper with the names on to Commissioner Martin, who presented them to the board." Now, is that true? A. Those were the transfers, Mr. Goff, that were made about a month after I went in the department.

Q. That is true? A. Those were the transfers that were made about a month or so after I went in the department.

Q. But it is true that Mr. Byrnes is the man who had the transfers made; practically speaking, he handed a slip of paper, you say, to Mr. Martin, the president of the board, with the names of the captains and the precinct to which he wished them transferred? A. Well, there had been some discussion about the transfers prior to that time, but there have been no under-

standing as to what precinct any particular captain would go to.

Q. But you say here: "Mr. Byrnes himself wrote on a slip of paper the names of the captains he wanted to have transferred and the precincts he wanted to have them sent to." A. Yes.

Q. "He handed a piece of paper with the names on to Commissioner Martin, who presented them to the board. There is absolutely no truth in the report that the commissioners had interfered with the superintendent in the proper discharge of his duties?" A. That is true.

Q. Now as to the transfer, that is true; Mr. Byrnes handed a slip of paper with the names of the captains on and the precincts he wished them transferred to to Mr. Martin, and Mr. Martin handed them to the board, and the transfers were accordingly made? A. No; I don't believe he handed the slip of paper to the board on which the superintendent's writing appeared.

Q. Your language here is very positive: "Mr. Byrnes himself wrote on a slip of paper the names of the captains he wanted to have transferred and the precincts he wanted to have them sent to." Now, is that true? A. I saw the piece of paper on which he had written the names of the captains in Commissioner Martin's room.

Q. "He handed the slip of paper with the names on to Commissioner Martin, who presented them to the board;" is that true? A. He didn't present that slip.

Q. I don't say so, nor you don't either; you say, "He handed the slip of paper with the names on to Commissioner Martin, who presented them to the board." A. I believe at that time reading that that afternoon Commissioner Martin made a motion to transfer certain captains.

Q. And the transfers were recommended according to the slip the board received from Mr. Byrnes? A. There may have been one or two changes.

Q. I am taking the report of your own interview here? A. It was practically that.

Q. You go on to say that the big shake up among the captains 18 months ago originated with the commissioners; do you remember that? A. The transfers I am talking of; that are not the ones I made a month after I went into the police board.

Q. That was the big shake up then? A. Yes, sir; but there were some few transfers later on; I know now what you mean. commissioners during the time of your incumbency in the

Q. The big shake up among the captains 18 months ago originated with the commissioners; is that so? A. We talked it over and talked with the superintendent about it.

Q. When you say it originated with the commissioners, you state what was the fact, do you not? A. I believe it is; yes, sir; I think the superintendent's attention was called to the fact; there was a great deal of talk about the captains.

Q. You go on to say, that some of the captains were receiving money from the saloon keepers and the commissioners decided it would be a good plan to change them all around; is that true? A. That is true; I heard reports of that kind.

Q. Now, let us see; you have already testified before this committee that you did not hear any rumor or report to which you gave any attention, of blackmail being paid to or collected by the police captains except in reference to the pool-rooms? A. I said that the report of corruption so far as I could get at it or investigate it—

Q. It appears now that it had been stated, that some of the captains were receiving money from saloon keepers, and the commissioners decided that it would be a good plan to change them all around? A. Yes, sir; I heard that before I became a police commissioner.

Q. Inasmuch as what had been said on that subject was of sufficient importance to cause the commissioners to change the captains all around, there must have been some definite information in possession of the commissioners to warrant that action? A. I have heard saloon keepers say that they paid money, long before I was commissioner and after I became a commissioner, I at once set out to investigate whether or not that was the fact and I could not then get a saloon keeper to admit that he had ever paid a cent.

Q. But where you say here, it had been said that some of the captains were receiving money from saloon keepers, can you name one of the captains of whom it had been said had received money from saloon keepers? A. No; I can not now.

Q. Could you at that time, do you recollect that now? A. No; it was a sort of a general charge, that police captains were receiving money from saloon keepers.

Q. In the face of a general charge that reached the commissioners that some of the police captains had been receiving money from the saloon keepers, the commissioners deemed that charge of sufficient weight and importance to change the cap-

tains all around, did they not? A. Yes, sir; the commissioners could not get any evidence of the fact, however, that money was being paid.

Q. Did they institute any examination or investigation, either publicly or privately, in reference to that matter? A. I did; I saw a number of business men and talked to them about it.

Q. Who did you talk to? A. Half a dozen different liquor dealers.

Q. Name one that you sent for or talked to? A. I can not recollect them now.

Q. You can not recollect them now, any more than you can recollect the name of a pool-room keeper, can you? A. I can not.

Q. Here was a class of men, of decent respectable men, doing a legitimate business, licensed by the laws of the State and it had reached your ears as a commissioner, that they had been blackmailed by captains of the police force; did you consider that it was a sufficient discharge of your duty to simply transfer the captains who had been accused of blackmailing these men? A. There was no one in particular who was accused, but it was a general charge, that money was being received and that was the best way, outside of any evidence of the fact that it was really paid, to prevent it, for then it went cut through the whole department that if an officer of the police department was found taking money that he would be dealt with, and from that time I do not believe that they have ever paid any money.

Q. Have the police officers been dealt with since that time for receiving money from liquor dealers? A. We have never had any evidence presented of the fact that they took money.

Q. But you had sufficient evidence to move your official body to that action? A. I had a rumor.

Q. Will you wait until I ask my question; you had sufficient evidence to warrant the police commissioners to take action by removing the police captains; now, was not that evidence, if it warranted that action, sufficient to justify an investigation into the truth or falsity of the rumor? A. What would you investigate, a rumor.

Q. Answer my question. A. I am asking you what could we investigate — a rumor?

Q. I am not being questioned; you are on the witness-stand.  
A. I am answering your questions.

Q. No; answer my question; will you answer that; you had sufficient evidence to warrant the police commissioners to take action by removing the police captains; now, was not that evidence, if it warranted that action, sufficient to justify an investigation into the truth or falsity of the rumor? A. I did not say that we had sufficient evidence.

Q. If you had not sufficient evidence, why did you change the captains for that reason? A. Because in my belief I considered that they were paid money in some places.

Q. But if the captain in one precinct was a blackmailer, is it not reasonable to suppose that he would be a blackmailer in another precinct? A. No; for when he knew that the fact of his transfer was attributable to the belief that we had thought that in some way or other that he was receiving money, it would prevent him from doing it after that, but we had no evidence that they had paid money to any of the captains.

Q. Then is that true, that the police commissioners have regarded it as an effectual stop to blackmailing to remove a police captain and let him know that his removal was for blackmail? A. No, sir.

Q. Then how do you reconcile your answer? A. That transfer was brought about by my action; I went in there a stranger to the police board and I heard of the taking of money before I went there, that liquor dealers were obliged to pay money; while I could not get any information, any positive information on that subject, I had that belief, and after going in there I sent for a number of liquor dealers and talked with them in their stores missioners and they said there had been more or less reports of and at other places and I could not get one of them to admit it, yet I had that belief and I spoke about it to my associate com-that nature, but they could not run them down, and the superintendent was called in and it was finally concluded that the captains had better be transferred.

Q. And so every captain in the city, with the exception of one, was transferred? A. With the exception of one?

Q. One captain was not transferred, I believe. A. I supposed they were all transferred.

Q. No; they were not. A. Who was the one who was not transferred?



Q. I have not got the name, but I am satisfied there was an exception. A. I supposed they were all transferred.

Q. Mr. Grant tells me that Captain Smith was the only one not transferred? A. Well, I think the Twenty-fourth precinct station-house had just been built and Captain Smith had just been sent there.

Q. That was on the west side of the park? A. Yes, sir; up at Sixty-eighth street, I think.

Q. Then it appears that all the captains had been transferred except this one and therefore you regarded it as essential for the prevention of further blackmail, that all the captains in New York, should be transferred to new precincts? A. I thought it was the best thing to do, to take them out of their precinct where they were accustomed to the precinct.

Q. Where they were accustomed to what? A. Where they had got so thoroughly well known in their precinct that it would be a good thing to change them.

Q. Thoroughly well accustomed to what? A. To their precinct.

Q. If they were thoroughly accustomed to their precinct would not that add to their efficiency? A. No; I think a man might get too much accustomed to his precinct and become very inefficient.

Q. You do not mean that; what you mean is that he would become so thoroughly accustomed to receiving blackmail from the liquor dealers; that is what you mean, do you not? A. No, sir. I do not; I believed if they were getting money in that way it would have the effect of stopping it.

Q. It would not be a disqualification for a captain to become thoroughly acquainted with and accustomed to his precinct, would it; he would know all the people there in that case and that is a qualification of a zealous officer, is it not? A. He might become so thoroughly accustomed with the precinct that he would become careless, perhaps.

Q. One phase of that thorough acquaintance was the acceptance of blackmail from liquor dealers was it not? A. Yes; if they were getting money.

Q. But you were satisfied that they were getting money, or you would not have moved the police board to the action which you did, which was commendable on your part? A. I had no evidence but I believed they were.

Q. You had enough to satisfy your own belief on that subject? A. Yes, sir.

Q. This is an act to your credit, but we want to know if after a police commissioner, acting upon what he honestly believed to be the condition of affairs and that was, that with the exception of one captain, every police captain in New York was receiving blackmail from the liquor dealers; did the board take any further steps to discover the actual facts in that matter? A. We could not go any further in the matter.

Q. Did you try to go further and investigate the matter? A. Yes, sir.

Q. After the removal of the captains or before their removal? A. After their removal.

Q. And you can not give us the name of a single man that you questioned upon that subject? A. No, sir.

By Chairman Lexow:

Q. Did any of your brother commissioners try to investigate the matter? A. I do not know what they did.

Q. Did they do anything that you know of? A. I know nothing of what they did.

By Mr. Goff:

Q. So we have it that the famous shake up of the captains, originated, practically speaking, with you, and was caused by your belief that they were with one exception, receiving blackmail from the liquor dealers? A. No; I think I remember of the subject being mentioned by Commissioner Martin; we talked about it with the superintendent; I believe he had a number of talks with the superintendent and he acquiesced in our opinion that he thought it would be a good thing to change the captains.

Q. You have said that you originated it, and I am giving you that credit? A. Well, I think, Commissioner Martin and myself talked the matter over.

By Senator O'Connor:

Q. Has your police board any power to remove a suspected person, without legal proof of guilt? A. No, sir; we have not.

Q. You believe, however, that these various police captains were guilty of misconduct—that was your belief, was it not? A. I believed that some of them were.

Q. But you had not the legal proof? A. I had no proof whatever.

Q. And you thought it was in the interest of good discipline and to meet the rumor, if the system did exist, to break it up; that it would be accomplished by changing the captains around? A. I did; I thought it would have a very good effect, and I believed that no saloon keeper in New York, from that day to this has paid money to the police officers for that purpose.

By Mr. Goff:

Q. Had the shake-up anything to do with any other form of blackmail, than that, practically, of the liquor dealers? A. That is all that I had any information about myself; I had just come into the board; I had heard some talk about pool selling.

Q. There is evidence here that it resulted in raising the tariff or initiation fees of the disorderly houses, from \$300 to \$500 a house; what have you to say about that? A. I do not know what effect it had; I have read of such evidence since this committee has been in session.

Q. Is it not a fact that captains have been changed from precinct to precinct in order that they might get more money by going into a new precinct and charging an initiation fee? A. No, sir; not that I know of.

Q. Have you ever heard that rumored? A. I have read evidence of it here, taken before this committee; something like that.

By Senator Cantor:

Q. Did you ever hear it prior to that? A. Never.

Q. You never heard it prior to the time of this evidence disclosed by this committee? A. No, sir; never.

By Mr. Goff:

Q. After the big shake-up the liquor dealers all over the city were notified through the various liquor dealers' associations that they must not dare to pay money to any police official; now, that is true, is it not? A. I do not know whether that is true or not.

Q. That is your authorized statement in that paper? A. I do not know how correct that is; I could not say that the Liquor Dealers' Association gave any such orders.

Q. Is it true, or is it not? A. I may have said that the liquor dealers were told that if they had ever paid money that they should not pay any more.

Q. Did you ever — you have agreed and ratified the accuracy of the Sun's report? A. Some of it I have.

Q. You have not qualified any of it, have you? A. Some part of it I have, in reference to the superintendent's mention of the names.

Q. Substantially, you have agreed; your language goes on, "After the big shake-up, liquor dealers all over the city were notified, through the various liquor dealers' associations, that they must not dare to pay money to police officials and not a single liquor dealer pays the police at the present time." Was that true? A. That was my judgment at that time.

Q. When you say here the Liquor Dealers' Association all over the city were notified, through their various liquor dealers' associations, that they must not pay money to any police official, tell us who notified the liquor dealers, through their various associations, that they must not pay money? A. That I can not tell you.

Q. That prompted you to make this statement? A. Because I had frequently said to liquor dealers myself that if we could get evidence that they were paying money to police officers for any purpose, that they would suffer more than the police officers, or at least as much.

Q. You made that statement, based upon some knowledge, did you not? A. I had no knowledge on the subject.

Q. If you had no knowledge on the subject, that the liquor dealers were notified by their various associations not to pay money, why did you state it? A. I had no knowledge of that fact at all.

Q. Then why did you state it if you had no knowledge of that fact? A. I don't know that I did state it that way; I may have.

Q. Will you swear that you did not? A. No; I am not denying it.

Q. It appears in this report and you have so far agreed to the accuracy of this report; now, I ask you whether or not there

was any foundation in fact for that statement that the liquor dealers all over the city had been notified through the various liquor dealers' associations not to pay any more money? A. I had no information that would lead me to give it, except by hearing perhaps the dealers saying that they were not paying money.

Q. Then why did you make that statement? A. I have had the liquor dealers tell me that they were not.

Q. If you had no information that word was sent to the liquor dealers, why did you make such a statement? A. I may have had some information of that kind, at that time.

Q. Then what information could you have had, that word was sent through the various liquor dealers' associations to them not to pay any money? A. Some of them must have said something of that kind to me.

Q. Who sent the word to the various liquor dealers' associations to that effect? A. That I can not tell you.

Q. Why did you state it then? A. Because I may have heard someone make that statement.

Q. Who did you hear make any such statement? A. I can not say.

Q. Did you not have some specific knowledge on the subject at the time you made that statement? A. No; except that some liquor dealer may have said that the association would discourage the payment of any money.

Q. Who authorized that word to be sent through the liquor dealers' associations, not to pay any more blackmail? A. I can not tell you.

Q. What relation was there between the police department and the liquor dealers' associations? A. None that I know of.

Q. How did you come to assume the responsibility of saying that word had been sent to all of the liquor dealers through the liquor dealers' associations not to pay any more blackmail? A. I do not say that I said so.

Q. Do you deny it? A. No; but I assume that some liquor dealer may have said some such thing to me.

Q. Here it is in public print and you have never contradicted it, have you? A. Not that I know of.

Q. If it was untrue, you would have very likely contradicted it, would you not? A. I do not think I would.

Q. Here you are, making a statement as a police commissioner, that word had been sent through these liquor dealers'

associations, to the liquor dealers not to pay any more blackmail, where did you get that information from? A. I had no knowledge of that.

Q. Then you made the statement without having any knowledge; why did you make that statement? A. If I made that statement, it was made on some statement that was made to me by some of the liquor dealers.

Q. Did you make that statement without having any knowledge upon that subject? A. Only what I have told you, which I derived from talking with some of the liquor dealers.

Q. How did you know that word had been sent to them through the liquor dealers' associations? A. I did not know, except what they told me.

Q. How did you know who sent that word? A. I have not said that I did know.

Q. Do you know who sent such word to the liquor dealers? A. I do not.

Q. Then why did you state it? A. I must have heard somebody say something about it.

Q. Then it is on hearsay again? A. It is altogether on hearsay.

Q. And you committed yourself in a statement printed in a public newspaper, charging blackmail to the department of which you were the head, and stating that the persons who had been in the habit of paying that blackmail had been notified not to pay any more blackmail; did you make that statement without any knowledge on the subject? A. I presume some of the liquor dealers had told me that the liquor dealers were paying money and that they should not pay it hereafter.

Q. I would not rather have your presumption; I want your knowledge? A. I am telling you what I know.

Q. Give me what you know, and not what you do not know? A. I am giving you all that I know of it; I have nothing to conceal about it.

Q. Did you have any information or knowledge upon that subject when you made that statement to the Sun? A. Except such information as I received from different liquor dealers.

Q. You can not tell us who they were or what the information was? A. To the effect that they had paid money and that they should not pay it any more.

Q. Who told them that; that they should not pay it any more?

A. The liquor dealers' organizations, I suppose.

Q. What authority had the liquor dealers' organizations to make that statement? A. I can not tell you.

Q. If the police had been receiving it before, how did that alter the situation? A. I suppose they thought that there were two good Tammany Hall leaders in the board and they would stand by them and prevent the blackmail going further.

Q. Instead of the blackmail going into the hands of the policemen, did it not go into the treasury of Tammany Hall? A. No, sir.

Q. Is it not a fact that there was money paid by the Liquor Dealers' Central Association of this city into the treasury of Tammany Hall after this big shake-up? A. No, sir; not that I know 'of.

Q. Will you swear there was not? A. I will swear to that.

By Chairman Lexow:

Q. You swear there was not? A. I know nothing about it.

By Mr. Goff:

Q. Did you ever hear of it? A. I read it in the newspapers.

Q. Did you ever hear that Commissioner Martin and Mr. Croker met a delegation of liquor dealers in the Hoffman House, where it was agreed that a sum of money should be paid into treasury of Tammany Hall? A. I never did hear of it.

Q. Did you ever hear that the dealers were to be relieved of paying blackmail on contributing a sum of money to the treasury of Tammany Hall? A. I never heard of it; I may have read it in the newspapers.

Q. And after having read it, and this remarkable change having taken place, that the liquor dealers paid blackmail to the police, and that the blackmail was transferred to Tammany Hall, did you take any action to ascertain the truth of that statement? A. No, sir; I knew it was a lie.

Q. Did you know that the report that they were paying blackmail to the police was a lie? A. I had no positive information on that subject.

Q. Did you act on the information that you had? A. That was only my belief.

Q. Can you state here, on your oath, that after this shake-up and after you say that the associations told the liquor dealers not to pay any more blackmail, that there was any proposition made for the liquor dealers to pay money into the treasury of Tammany Hall? A. Not the slightest on the top of the earth, so far as I know.

Q. You swear to that? A. So far as I know.

Q. Could it take place without your knowledge? A. It might. Senator O'Connor.—The witness testifies that he has no knowledge of it.

The Witness.—I do not believe it.

Q. I am asking you for your knowledge on that subject? A. I have no knowledge on that subject.

Senator O'Connor.—He does not know whether it was true or not.

Mr. Goff.—That is the point.

The Witness.—I have sworn to the best of my belief that it is not true.

Q. As a fact, how is it? A. As a fact, I know nothing.

Q. Did it not strike you as strange that you could say, authoritatively, that not a single liquor dealer pays the police at the present time, and according to your information and belief, up to that time they had been paying the police? A. Not according to my information; according to my belief.

Q. Well, according to your belief and your information, because you have stated here that liquor dealers told you that they had been paying blackmail? A. That was prior to my being a commissioner, that I heard such talk.

Q. After you were a commissioner, did you ever hear such talk? A. I sent for people who had talked with me prior to that time, and then they denied it.

Q. When you decided upon having the captains changed, did you act upon the information you received, on your appointment as commissioner, or on rumor that you had heard before your appointment as commissioner? A. Upon the belief that I had.

Q. Was that belief produced by fresh information and knowledge brought to you after your appointment, or was it upon the old information? A. Upon the old information and the belief that I had formed.

Q. So that you acted then on the information that you had received as a private citizen? A. Yes, sir.



Q. Before your appointment as police commissioner? A. Yes, sir; and I made inquiry after I was appointed, but I could not substantiate it.

Q. Were you ever visited at the police headquarters by men in public life in this city, who complained to you of the oppressive acts of certain police captains upon the liquor dealers of their precinct? A. No, sir.

Q. Were you ever visited by ex-Senator Plunkitt in reference to that? A. In reference to what?

Q. In reference to Captain Delaney, levying blackmail upon the liquor dealers in his precinct? A. No, sir.

Q. Will you swear you were not? A. I will.

Q. Will you swear you never heard of Senator Plunkitt visiting the police board and making such a complaint? A. I never did; I heard that Mr. Plunkitt made some complaint, but I don't know what it was.

Q. That Captain Delaney was charged, as the result of that complaint, of levying blackmail? A. No, sir; he did not.

Q. I beg your pardon—A. As the result of that complaint, you say?

Q. Yes? A. No, sir; he did not, so far as I know.

Q. What was the complaint that he made? A. I can not tell you.

Q. Why was he transferred from the precinct in which he was then after Mr. Plunkitt made his complaint? A. I think it was on the recommendation of the superintendent, unless I am mistaken.

Q. Had not the complaint of Mr. Plunkitt something to do with that transfer? A. I heard nothing about that.

Q. You have said that you heard it? A. He made no complaint to me.

Q. Well, a complaint to the board? A. No; I heard that he had said something about Captain Delaney; I do not know who he said it to; it may have been to the superintendent.

Q. The complaint that Senator Plunkitt made had something to do with Captain Delaney's removal, did it not? A. I do not think it had a bit to do with it.

Q. What was the cause of Captain Delaney's removal then? A. I can not tell you now.

Q. He was changed immediately after Senator Plunkitt made his complaint, was he not? A. I can not say that; I do not

know when he made the complaint, and I do not know how long afterward he was changed.

Mr. Goff.—It is now half-past 4 o'clock, a reasonable time to adjourn. Before, however, you adjourn, this evening, I wish you would depute one of your number to stay here a few minutes and let the stenographer take down the testimony of a witness who is about to leave the city to-night, and the State, and may not return. It is evidence that we would like to have in a position to use or if the whole of the committee will stay to take his testimony, we would like it.

Chairman Lexow.—You mean now.

Mr. Goff.—Yes; because we can not get it again, as he is leaving to-night, and he may never return to this State; I have one further question, though, I would like to ask Commissioner Sheehan.

Q. Will you bring with you to-morrow—I have asked you in your subpoena to bring your bank-book. A. I have never seen the subpoena; I have heard there was one made out for me and I came without it.

Q. The subpoena required you to bring your bank-books of your business; will you bring them, both business and private bank-books? A. No, sir.

Q. You are also required to bring your private appointment book; will you bring that? A. Yes, sir.

Q. You are also required to bring the estimate of various matters of the committee, of which you are chairman—you are chairman of supplies, are you not? A. Yes, sir.

Q. And the estimates? A. Yes, sir.

Q. Will you bring those? A. I will.

Q. You have said, that you will not produce your private or public bank-books? A. I have said so.

Mr. Goff.—That will do this evening, Mr. Commissioner.

The Witness.—Thank you, Mr. Goff.

Mr. Goff.—I beg your pardon; I would say, that I wish it noted, that the subpoena served upon the commissioner, though he says it has not been served upon him—

By Senator O'Connor:

Q. Have you well considered that request, and do you refuse to bring your bank-book? A. I have considered it.

By Mr. Goff:

Q. You do not raise any question as to the regularity of the serving of the subpoena, because it was not served upon you, personally, do you? A. No.

Mr. Goff.—There were two subpoenas served, one left at your house, and one at the office. There is no question raised as to the regularity of the subpoena, by the commissioner, and I wish it noted on the record that he has been served by subpoena duces tecum, to produce here at his examination, his personal and business bank account books.

Senator O'Connor.—If the question should ever come up and the Senate be required to act, do you think it would be sufficient, unless a proper subpoena has been served upon the witness; that the witness does not raise any question as to the regularity of the subpoena; does that preclude him from raising it afterward?

Mr. Goff.—Yes.

The Witness.—I will admit service.

Mr. Goff.—It is like a voluntary admission of a witness to come to court without a subpoena. However, the commissioner admits service of the subpoena. Now, I say to the commissioner that this committee requires this witness to obey that subpoena which has been served upon him and requires him to produce the books called for by that subpoena, particularly his personal and business and bank account books.

Chairman Lexow.—Will you now call the other witness that you referred to.

Mr. Goff.—I wish to state here publicly that I invite any person who has ever been approached for the service of a subpoena upon him or threatened with the service of a subpoena by this committee or in its behalf, and who has not been served, or who has been served and the subpoena withdrawn in any case to come forward before this committee and he will render a public service, and I will pledge myself to prosecute by the criminal law to the best of my ability in the name of this committee the person or persons so threatening to subpoena or to use a subpoena for this committee.

Chairman Lexow.—I do not understand what you mean?

Mr. Goff.—The point is that information has reached us, that on several occasions it has been reported that in certain circles that men were threatened with the service of a subpoena, and if they paid money that they could be relieved from that service.

Senator O'Connor.— Who threatened them?

Mr. Goff.— That is just what I want to find out.

Chairman Lexow.— You do not suppose they are going to come forward and admit that fact do you?

Mr. Goff.— No; but the persons who have been threatened with the service of a subpoena I invite them to come forward and they will render a public service in presenting the name of the person, who in the name of this committee or its counsel, threatens or says who a person with a subpoena will be or is about to be served upon that person and who suggests the payment of any money, for the nonservice of that subpoena, is guilty of a crime.

Senator O'Connor.— Has such information come to you?

Mr. Goff.— Yes; but I do not know of a specific case; but we have heard of reports of men having left New York after being told by someone that they were to be subpoenaed by this committee and I will say that names have been mentioned in that connection of persons that we never dreamed of subpoenaing and have no intention of subpoenaing. I wish to make this public announcement so that our subpoena servers may be protected and this committee may be protected as far as in our power lies.

Chairman Lexow.— And anybody who has done it may be punished.

Mr. Goff.— Yes; so that anyone who has done it may be punished.

Senator O'Connor.— We would like to get hold of one or two of them.

Mr. Goff.— So would I, by way of example.

Herman Spitz, sworn on behalf of the committee, being duly sworn, testified as follows:

By Mr. Moss: .

Q. You have just said to me, that you have nothing to say, have you not? A. Yes, sir.

Q. But you have said something to somebody a little while ago, have you not? A. No, sir; I didn't say nothing.

Q. You have made a statement have you not? A. I did not say nothing at all.

Q. You have made a statement to Mr. Felfer, have you not? A. No, sir; I didn't make no statement; he took me up; I don't know what he took me up for.

Q. You talked with him did you not? A. He took me up; I don't know what for.

Q. Where did you use to live when you were in this city? A. Three years I lived in Broome street.

Q. In the year 1889? A. Yes, sir.

Q. Did you know a man named Weinstock, Isaac or Israel Weinstock? A. I don't remember; I know a good many people here.

Q. Did not Weinstock do something to you? A. I don't know if his name was Weinstock or not.

Q. Somebody stabbed you, did they not? A. Yes, sir.

Q. Who was that man? A. I don't know that man at all.

Chairman Lexow.— You understand that you are under oath here, and if you tell anything that is false or untrue it is perjury. Do you understand that?

The Witness.— Yes, sir.

Chairman Lexow.— You must tell the truth and nothing but the truth.

By Mr. Moss:

Q. Where were you stabbed? A. In my side.

Q. With a knife? A. Yes, sir.

Q. Were you taken to the hospital? A. Yes, sir. (

Q. How long were you kept in the hospital? A. Six weeks in the hospital.

Q. In the Goveneur hospital? A. Yes, sir.

Q. What did you do to the man who stabbed you; did you complain against him? A. No; I could not complain against him; I was sick.

Q. You were very sick? A. Yes, sir.

Q. And you nearly died? A. Yes, sir.

Q. Did you not make a complaint against that man? A. I could not make a complaint against him.

Q. He was arrested was he not? A. I don't know that man at all.

Q. You were notified to go to court were you not? A. No, sir.

Q. You were notified to go to court against the man who stabbed you, were you not? A. No, sir; I didn't receive no notice.

Q. You never received any notice? A. No, sir.

Q. Did you have a conversation with Silver Dollar Smith about it? A. No, sir.

Q. Listen carefully to my question and answer it honestly if you can; did not Silver Dollar Smith come to you and ask you not to proceed against the man who had stabbed you; did he not do that? A. No, sir.

Q. Did you ever see Silver Dollar Smith? A. No, sir — I saw him, but not at that time; I saw him always.

Q. You have seen him many times? A. Yes, sir; I passed many times his place, but he didn't talk about that case.

Q. You talked with him about being stabbed, did you not? A. No, sir; the time when I was sick, I was lying in bed over a year and I never saw the man.

By Chairman Lexow:

Q. You were lying in bed for over a year? A. Yes sir.

Q. After you were stabbed? A. Yes sir.

Q. You were in the hospital for six weeks? A. Yes sir.

Q. And then after that at your home? A. Yes sir.

Q. You do not know to-day who stabbed you? A. I don't know to-day; I know the man if I would see him; but I don't know the name.

Q. Did you never try to find out? A. What is the use to find out; the judge let him out.

Q. The judge let him go? A. Yes, sir.

By Mr. Moss:

Q. Did you say to the man who served the subpoena upon you that you would not testify against the police for they would send you up to Sing Sing if you did? A. I did not talk to nobody.

Q. Did you not speak to the man who served the subpoena on you? A. No, sir.

By Chairman Lexow:

Q. Do you understand the question; did you not say to the man who brought you a paper like this —

Mr. Moss. — Did you not say to this man —

Q. Did you not say to that man there that you would not testify against the police because they would send you to Sing Sing if you did; did you not say that? A. I said I didn't want to have any trouble.

Q. You did not want to have any trouble with the police? A. Yes, sir.

Q. Because they would send you to Sing Sing? A. Yes.

By Mr. Moss:

Q. You told the man who served you with the subpoena that you were afraid you would be killed? A. No, sir; I didn't say that.

Q. You have been stabbed twice, have you not? A. Yes.

Q. And each time it had something to do with the police or with the payment of money, had it not? A. No.

By Chairman Lexow:

Q. When you were stabbed, did that have anything to do with paying money to the police? A. No.

Q. How did you come to get stabbed? A. The first time, I went to take in money on Saturday afternoon, where I delivered ice, and the man was standing outside and I didn't know the man exactly who he was, and I passed that place, a coffee saloon, and that man started to talk to me, and I said, "I have nothing to talk with you about; I am a different kind of a man; I am a workingman, and you must be a bum, for you stand around always on the corners," and he didn't say nothing to me only, "If you are such a decent man, I will fight you;" I said, "I don't want to fight with anybody," and I went in the coffee saloon and he went in after me, and I didn't see if he stabbed me or not; I didn't feel it I was so strong; and after that he gave me a push, and I didn't feel it right away, and I went out from the place right away, and I went about a block and a half, and then I felt it and I stopped to look and I saw the blood, and I ran back to that place, and I said, "What have you done to me?" and he took the knife and wanted to stab me again, and I could not stand any more, and I fell down; that is all I know.

By Mr. Moss:

Q. That man was a friend of Silver Dollar Smith, was he not? A. I could not tell you.

Q. Did not Smith tell you that the man who stabbed you paid him \$100 to protect him from being punished for it? A. Silver Dollar Smith was never in my house.

Q. You have just said that you talked with Smith? A. No, sir.

Q. You have never talked with him? A. No, sir.

Q. A moment ago you said you had many conversations with him? A. No; I said I passed his place many times, but not to talk with him.

Q. Smith promised to take up a collection for you, did he not, so you could go to Vienna? A. No, sir.

Q. You do say that the judge discharged that man who stabbed you? A. Yes, sir.

Q. What judge was that? A. I forget his name.

Q. Judge Hogan? A. Yes, sir.

Q. Judge Hogan discharged the man who stabbed you, without your appearing in court at all? A. Yes, sir.

Q. You were too sick to appear? A. Yes, sir; I was at the time, and a detective came to my house and he said, "You have to be in court at half-past 10."

Q. Who told you that? A. A detective.

Q. A detective told you to be in court at half-past 10? A. Yes, sir; and I could not go, but I sent for a carriage to bring me to the station-house as quick as I could, and as I got there, it was not quite 10, and the man was out already.

Q. Did you go to court? A. Yes, sir.

Q. And after you got to court, going as quick as you could, you found the man had already been discharged? A. Yes.

By Senator Bradley:

Q. And it was just 10 o'clock? A. Yes sir.

By Mr. Moss:

Q. Did you say anything to the judge about it? A. No; it was so quick, when I got into court they said it was already over.

Q. Then you crossed the street and went into a saloon afterwards? A. No; I could not go; I went right home; they took me right home; I was very sick.

Q. Did you not see a saloon keeper that morning? A. No, sir.

Q. You went to Europe after that, did you not? A. Yes, sir.

Q. Where did you go? A. I went to Vienna.

Q. And you had an operation performed on you there? A. Yes, sir.



Q. And you came back broke? A. I went broke and I came back broke.

Q. When you came back you saw Silver Dollar Smith, did you not? A. No, sir.

Q. You had no talk with him at all? A. No; I never had any conversation with him.

By Chairman Lexow:

Q. You never talked with Smith at all? A. No, sir.

Q. Never? A. No, sir.

By Senator Bradley:

Q. You would not know him if you saw him, would you? A. Yes, I would know him; if I saw a man once I would know him 10 years afterward.

Mr. Moss.— We are going to prove these things by other witnesses, and I give you a fair notice of that, and you had better be careful of what you testify to. You will be protected by this committee in any testimony that you give.

Chairman Lexow.— But you want to tell the truth or no power in this State can protect you from Sing Sing if you do not tell the truth.

By Mr. Moss:

Q. When you came back, did you not go to Smith and say that you were going to have Weinstock indicted by the grand jury? A. No, sir; I was talking to other people.

Q. Who did you talk to? A. To my brother; I said I would like to get that man arrested, for I can never work for my living; I am sick now always.

Q. You said to your brother that you wanted to get him indicted, because Smith did not come up to his promise? A. No; I did not say that way.

Q. But you say they did agree to give you some money to go to Vienna? A. There were some other people.

Q. Who were they? A. They are not here.

Q. Who were they? A. "Dutchy."

Q. Where did "Dutchy" live? A. He was living in New York at the time.

Q. Did he live on Essex street? A. I don't know.

Q. Don't you know his other name? A. No, sir; but he came to me.

Q. Did you ever see him at the saloon, 64 Essex street? A. No, sir.

Q. Dutchy told you if you did not prosecute Mr. Weinstock they would raise some money and send you to Vienna? A. He didn't tell me that; he said if you let him go, he is the father of children and what good will come to me; what would I get from that, if he was convicted and I was so sick; I didn't know what to do and I told him it made no difference to me if he gets convicted or not, and I must go to the court-house, and he said, "You are poor and they will send you to Vienna," and I said if they send me they will send me, and if not, I have a few dollars and I will try myself.

Q. This man you call "Dutchy" said he would help you go to Vienna? A. Yes, sir.

Q. But he did not do it, did he? A. No, sir.

Q. No one gave you any money? A. No sir.

Q. So when you came back you began to talk about having this man indicted again? A. Yes sir.

Q. And that was because they did not give you the money that they were going to? A. No; not for that.

Q. Did you know Mr. Hochstein? A. I knew him many years.

Q. Did you talk with Mr. Hockstein about this injury? A. He was not here at the time.

Q. He was in Buenos Ayres? A. Yes, sir.

Q. Did you not keep a disorderly-house yourself? A. Never.

Q. You had a house about which there was some complaint did you not? A. Never; that is a make up job; that was put up.

Q. Somebody said you had one? A. Yes sir.

Q. The people who charged you with having a disorderly-house said what was not true? A. Sure they did.

Q. Who was it that said you had a disorderly-house? A. That was Max Ensler and the other man was Jake.

Q. They were always hanging around that saloon in Essex street, were they not? A. I don't know, I never hung around there; I worked always.

Q. Where did they live? A. I could not tell you.

Q. Where did you use to see them? A. On the street.

Q. They were stool pigeons, were they not? A. Yes, sir.

Q. Who do you think hired them? A. I could not tell you.

Q. Some one who had a grudge against you? A. It must be.

Q. Was Dutcher connected with them? A. Yes, sir.

Q. Who did Dutcher act for? A. I could not tell you who he acted for.

Q. He was not acting for himself, was he? A. That much I could not say.

Q. He was a very common man, was he not, Dutchy? A. I could not tell you whether he was common or not.

Q. You knew he spoke for the boss of the district, did you not? A. Yes, sir.

By Chairman Lexow:

Q. Who was the boss of the district? A. I could not tell you that; I don't remember his name.

By Mr. Moss:

Q. You do not know his name, the boss—did he hold a position, did he have an office? A. I could not tell you.

Q. Did he not have an office? A. I don't know.

Q. You began to talk about having this man indicted and you say somebody got up a raid on your house? A. Yes, sir.

Q. Tell about that raid; what did they do? A. I could not tell you what they did.

Q. Somebody came and raided your house? A. That was so; I was coming home from work and a man was there; I didn't know him at all.

Q. Was it a ward detective? A. No, sir.

Q. Did not Shelvey come there? A. Yes, sir; and Hussey those two.

Q. They came to your house, with those stool pigeons? A. Yes, sir; and I was lying in bed sick.

Q. With the same old wound? A. Yes, sir.

Q. Who did they arrest? A. They arrested my wife; Max Ensler and the other fellow came to my house with two girls and came up to visit me, and I was sick and Dr. Mulberry was just at that time to see me; I sent for him and them two fellows went away and they said to the girls, "You wait here a few minutes and we will be right back again and about half an hour later, who comes up but two detectives and some policemen and they took the two girls along with my wife, but they could not take me, I was so sick I could not move.

Q. You say those two girls were just visiting you? A. Yes, sir.

Q. And when you got better, they took you too, did they not? A. No, sir.

Q. Ensler and the other fellow brought the two girls there to your house to see you? A. Yes, sir.

Q. And after the girls were there Officers Shelvey and Hussey came up and raided the place and arrested your wife and the girls? A. Yes, sir.

Q. Who was it that came to you afterward and said, if you would let up on Weinstock, that you would get off for the disorderly-house case? A. This Dutchy.

Q. Do you mean "Dutchy" or "Dutcher"? A. "Dutchy."

Q. This same Dutchy, which you say, represented the boss of the district, came to you and said, if you would let up on Weinstock, who had stabbed you, you would get off on the disorderly-house case? A. Yes, sir.

Q. Can you tell me just what he said? A. He said up and down, "If you don't drop that case, I will send you away and your wife together; I will send you away for keeping a disorderly-house, and they will not give you six months, but a year; I was sick and frightened; I never was in prison nor my wife, and I had to drop the case."

Q. You did drop the case? A. Yes, sir.

Q. Then what happened to your disorderly-house case? A. That is what I mean.

Q. You dropped the Weinstock case, did you not? A. No; I didn't.

Q. But you did not go to the grand jury, did you? A. I could not go.

Q. You did not go, did you? A. No, sir.

Q. You said, you would not go to the grand jury, did you not? A. No; I didn't say to Dutchy nothing at all.

Q. What happened to the disorderly-house case? A. That was another case, a man, a year after that, when I came back from Vienna; it was a year later, and a man came up to me, and I was in the house, and he started to have a racket with my wife, and he said he would stab me, and my wife knocked him out, and —

Q. You had not yet said that you would not give up prosecuting Weinstock? A. No, sir.

Q. And the man came and said, "If you don't stop, I will stab you again"? A. Yes, sir.

Q. Who was that man? A. He was a butcher.

Q. Had he anything to do with Dutchy? A. He must be; it must be one combination.

Q. You understood them to be together? A. Yes, sir

Q. Did you ever see Dutchy with any policemen? A. I could not tell you that way.

Q. Did you ever see this butcher with any policemen? A. No; since the time I was first stabbed I never went out; I was always in the house; I could not move until now; I am sick always.

Q. Were you stabbed a second time? A. Yes, sir; in my hand.

Q. Who did that? A. That fellow butcher, Harry.

Q. What is his last name? A. I don't know.

Q. Where did he keep his shop? A. He worked in Hester street.

Q. What number? A. I could not tell you.

Q. Who was his boss? A. I don't know.

Q. Describe how you were stabbed. A. He went up to my house, and said to my wife, "Where is Spitz?" my wife said, "He went out with the wagon, and that at dinner-time he will come back to the house," and he said, "Well, Mrs. Spitz, if Spitz don't drop that case of Weinstock, I will stab him again, and he will never go against the grand jury;" I didn't know nothing about him, and my wife took the broomstick and fired him out, and he was waiting downstairs in the hall for me until I came home; when I got home, I didn't know nothing about, and he said to me, "Now, you are here!" I didn't know him at all; I said, "Who do you mean?" he said, "I mean you; are you going to drop that case or not?" I was so surprised, I didn't know nothing about, and he took out a pocket-knife, and he said, "You see that knife; I will stab you right here in the breast," and I jumped back and put my hand up this way, and he stabbed me right here.

Q. In the palm of the hand? A. Yes, sir.

Q. Did you have that man arrested? A. Yes, sir.

Q. He came before Judge Taintor did he not? A. I could not tell you the name.

Q. He was held for trial? A. Yes, sir.

Q. You did not see Smith about that man? A. No, sir; I didn't speak to Smith at all.

Q. Who did you speak to about that man? A. Always with Dutchy.

Q. What did Dutchy tell you about that man? A. He said drop that case.

Q. That was the second time? A. I said then there will come a third fellow and then that will be dropped and I said, "No; I will not drop that case," and after that they didn't give me any subpoena, and I tried to find out about the subpoena, and I found out where I could get a subpoena, and I went to the district attorney's office, and Dutchy was there in the district attorney's office, and he said — excuse me — he said, "You son of a bitch, who in hell told you where to come to get a subpoena."

By Senator Bradley:

Q. Did he say that to you in the district attorney's office? A. Yes, sir.

Q. Were any of the officers of the district attorney's office present at the time? A. No.

Q. The district attorney did not hear him say so? A. No.

By Mr. Moss:

Q. What else happened in the district attorney's office? A. I took out my subpoena and went home.

Q. The raid for having a disorderly house, did it occur after the first or second stabbing? A. After the second stabbing.

Q. I did not understand it so from your first statement; it was after your second stabbing that the disorderly-house case is made? A. Yes, sir.

Q. And you were told that if you did not let up; were you not threatened after the first stabbing that if you did not let up you would be sent to prison? A. I don't know so much; I was a dummy at the time.

Q. Dutchy told you after the first stabbing that you would be sent to prison? A. Yes, sir.

Q. And after the second stabbing, you were actually trapped in this disorderly-house case? A. Yes, sir.

Q. Did anybody ask you for any money; did Dutchy ask you for any? A. No, sir.

Q. Did Silver Dollar Smith ask you for any money? A. No, sir.

Q. You went ahead with your case against the second stabber? Yes, sir.

Q. What did Dutchy say would become of that case? A. He said it will be all over; that is nothing; you can go as far as you want and the man will get out.

Q. Did you not make an arrangement with Dutchy that you would let that case drop against the second stabber; did you not tell Dutchy that you had got enough and you would let it drop? A. Yes, sir.

Q. You told him that? A. Yes, sir.

Q. And then Dutchy said that he would let the disorderly-house case drop? A. Yes sir.

Q. Do you know that that stabber was actually called up in the General Sessions; that his case was actually called? A. I could not tell you.

Q. You know that Dutchy said to you, that even after the case was called, he would have it thrown out; did you not know that? A. Yes, sir.

Q. Do you know that the case was actually called before the judge in the General Sessions, and the jury actually impaneled and that then the case was adjourned and has never been heard of since, do you know that? A. No.

By Chairman Lexow:

Q. Is that true? A. I could not say.

Mr. Moss.—We will prove that.

The Witness.—The jury came out not guilty.

Q. Were you there? A. Yes, sir.

Mr. Moss.—We will take care of that; that is a matter of record.

Q. Will you say upon your oath that you never had a conversation with Charley Smith about this matter? A. No.

By Senator Bradley:

Q. Will you take your oath that you never had? A. I never had.

By Mr. Moss:

Q. Did you ever say to anyone, that Charley Smith had talked to you about this matter? A. No.

Q. Did you ever say to anyone that Charley Smith had asked you not to prosecute it? A. No.

Q. Did you ever say to Mr. Felfer anything about Charley Smith? A. I didn't say nothing to him.

Q. Did Mr. Shelvey get you a bondsman, on the disorderly-house case? A. He went around with my wife to get a bondsman; I told him where he could go.

Q. What did you pay Shelvey for that? A. Nothing.

Q. What did you pay anybody for it? A. Nothing; I was poor; I had nothing to pay.

Adjourned to to-morrow, October 31, at 10:30 a. m.

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Proceedings of the Fifty-fifth session of the committee of the Senate of the State of New York, to whom was assigned the investigation into the conduct of the police department of the city of New York, held in the Superior Court room, Part 1, in the city of New York, on Wednesday, October 31, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, George W. Robertson, Daniel Bradley, Cuthbert W. Pound, Jacob A. Cantor and Edmund O'Connor. John W. Goff, Esq., and Frank Moss, Esq., as counsel for the committee.

Mr. Goff.—Mr. Boyle will take the stand. Mr. Boyle is in a hurry, Mr. Chairman; he is a very busy man.

J. W. Boyle, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. Your business is an oyster merchant? A. Yes, sir.

Q. And you are the leader of the organization known as Tammany Hall in the Ninth Assembly district in this city? A. I am; I am known as the chairman of the organization.

Q. Well, that is the popular term, that you are the leader of the district; of course I know, technically speaking, that is not correct; how long have you been leader of the district? A. About a year and a half.

Q. You were a leader of the district in 1893; that is, this time a year ago? A. Yes, sir.

Q. I remember you were ushered into the leadership there; now, I would like you to tell this committee who you meant when you sent your notices around last year, urging registra-



tion, who you meant in the first notice as persons under police protection? A. I never sent out any such notice.

Q. Did you send out any notice urging registration? A. No such notice.

Q. What? A. I never sent out any such notice.

Q. Now, I mean during the campaign? A. During the campaign.

Q. You never sent out any notice to the voters of the district urging registration? A. Never.

Q. I read, Mr. Boyle, from a printed circular: "Tammany Hall and Victory. The Ninth Assembly district. New York, November 2, 1893. Dear Sir: I herewith send you a complete copy of the registered voters in your election district; you will please make a thorough canvass of your district in order to enable you to make a written report on the blank furnished you;" the words, "Last Sunday evening" stricken off. "You are specially requested to hand in your report, personally, at the meeting of the committee on next Sunday." The word "evening" stricken out. "Respectfully yours, James W. Boyle." Does that refresh your memory? A. Well, there was some such notice of that kind sent out.

Q. That is your name, and you are the leader of the district? A. There was some such notice sent out; will you let me see it for a moment.

Q. I will in a moment; when you said you had sent no notice, urging registration, you were mistaken? A. I sent no notice urging registration, but the registration had been completed.

Q. Well, these notices you sent to make a complete copy of the registered voters in the election district? A. No; that is not the wording.

Q. "I herewith send you a complete copy of the registered voters in your election district. You will please make a thorough canvass in your district in order to make a written report on the blank furnished you." That was to enable you to form some correct opinion as to the probabilities of voters; that was it? A. That is right.

Q. You were justified, as the leader of a political party in your district, in doing so? A. Yes; that is right.

Q. And that report was to be personally handed in at the meeting of the committee on next Sunday? A. By the captains of the district.

Q. That was on Sunday preceding election? A. Yes.

Q. Now, accompanying this notice, there is this postscript: "P. S.— Dear Sir.— Also please send me a list of the people that are under police protection that are indifferent. Yours truly, James W. Boyle"? A. Such a notice I never sent out.

Q. It is a notice you never sent out? A. No; never sent out such a notice; the first notice, yes; the first notice was sent out to the captains asking them to furnish me with the best opinion of the opinion of their district; but the second notice, there was no such notice never sent out by me; I know nothing of it.

Q. You know nothing of it? A. No, sir.

Q. Then some one has used your name? A. That I don't know; if it has been it was done without my authority; I know nothing about it.

Q. Now, isn't it a fact that this notice was sent out as a postscript of the finished printed notice in such a way that you could thereafter repudiate it if the case arose? A. No, sir.

Q. Did you ever hear of people under police protection in your district? A. I know of no keeper in our district under protection — under police protection.

Q. Did you ever hear of any? A. I never heard of any.

Q. Something new to you? A. Something new to me; I never knew of anybody under police protection in that Assembly district.

Q. In the Ninth Assembly district? A. Yes.

Q. Will you please give us the boundaries of your district? A. Bounded on the south by Christopher street; north by Nineteenth street; east by Seventh avenue and Greenwich avenue.

Q. Why, Captain Stephenson has been broken for taking protection money from the people in your district? A. That is something I do not know anything about — Captain Stephenson; I am in the oyster business and am chairman of the Democratic organization; I do not know what has been done with him.

Q. The steamship companies, the docks in the district, have all been paying protection money in the district? A. I know nothing more than I have read in the papers from your investigation.

Q. And the grand jury have indicted the police captain for accepting money paid within the limits of your district; you know that, of course, from common report? A. By common report, by reason of the newspapers.

Q. Now, have you sent out any any similar notices so far this year than the one I have read to you; the printed notice I have read to you? A. No; I have not.

Q. Have you sent out any similar notices? A. No; I have not.

Q. It is the custom of the leaders, of the leaders of both political parties, to send out such notices? A. They send out different notices.

Q. Something similar? A. Yes, sir.

Q. Will you swear that the postscript that I have read didn't accompany the printed notices? A. That I don't know.

Q. Just wait a while until I complete my question; will you swear that the postscript that I have read saying, "also, please, send me a list of the people that are under police protection that are indifferent," in type, with the name "Yours truly, James W. Boyle;" will you swear that that notice and the postscript did not come in the mail with the printed notice that I have read for you? A. I did not mail the circulars, and there is no one to sign any such notices of the circular.

Q. Who mailed the circulars? A. Well, I have no — I do not recall it to mind, but I can ascertain for you.

Q. His clerk or either of the committee? A. Oh, yes.

Q. Where were they folded? A. Well, whether at the homes of the secretary or at the headquarters, I am not positive of that.

Q. Now, I will hand you this notice; the newspaper clipping has nothing to do with it; this is put on at the end; I will hand you this notice in the way it has reached me, and ask you are you prepared to swear that that notice together with the slip attached to it, didn't that go from the headquarters to the Ninth Assembly district last year to the captains of the election districts; I ask you? A. If that notice went to — it went without any authority of mine; I know nothing about it.

Q. Are you prepared to swear that the notice that I hand you together with the slip in typewritten language attached to that notice, didn't that go to the captains of the various election districts from the headquarters of the Ninth Assembly district, Tammany Hall organization, last year? A. If they did, they went without any authority or knowledge of mine.

Q. Are you prepared to swear? A. I swear I know nothing about such notices.

Q. You swear you know nothing about such notices? A. Yes, sir.

Q. You do know of the printed notices? A. The first notice, I do.

Q. But you will not swear that the slip, the paper was not put on there, and that it reached every captain of the election district in the Ninth Assembly district? A. I will swear if it was, I know nothing about it.

Q. You will swear it did not reach him? A. I do not know that; you show me one here.

Q. Now your name has been used, and you say without your authority, a gentleman in your position in New York, and the leader of a district, of course, whoever used that name without your authority, committed a crime; you understand that, Mr. Boyle? A. Yes, sir.

Q. Will you say to this committee that the matter having been brought to your notice now before this committee, whether you will make efforts to discover whether or no these slips were sent bearing your name by any person? A. I will do so.

Q. You will make some efforts? A. I will do so.

Q. Before the committee closes this week, if you please; now I want to just ask you one or two questions in addition, and then I will get through with you; you are well known as being a man that is ready and willing to do a favor to every man in your district, if you possibly can do it; you have got that reputation anyway; now, didn't you do many favors to your constituents in your district at the excise board? A. I have not been in the excise board three times in the year and a half.

Q. I am not asking so much for your physical appearance there; with reference to your indorsement and recommendation, whether oral or in writing on applications for licenses, had you any interest, that is handed a great many applications, have you had any interest yourself? A. I am always ready to oblige any citizen.

Q. You have interested yourself in a great many men who have applied to the excise board for a license? A. Yes, sir.

Q. That is a fact, isn't it? A. Well, I think I have.

Q. Is it not a fact also that it is preliminary to your interest for those men in your district that they have to subscribe as members to the Tammany Hall organization in this district? A. No, sir; that is not so.

Q. Will you swear that you never stated to the men applying for a license that you could not indorse him or give a recom-

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mendation from the wardman indorsing his application unless he was a member of the organization? A. I will.

Q. You will swear that? A. Yes, sir.

Q. Not to any person? A. Not to anyone.

Q. Did you ever suggest to any liquor store keeper or any man about to be a liquor store keeper that the fact that his name was not on the list of Tammany Hall committee of that district was one that would be injurious to his prospects of obtaining a license? A. Never.

Q. Did you ever say anything in substance to that nature? A. Never; when all men appeal to me I notify them to join our organization, but to no man have I ever made a threat or to any man ever held any inducements to go and join our organization.

Q. You say when men have appealed to you, you have notified them to join your organization, and the invitation has been extended at the time you were appealed to, to obtain a license? A. Oh, no; during the times, but very seldom.

Q. Isn't that invitation understood to be a command? A. No, sir.

Q. You may couch it in polite language as I know you are able to; isn't it well understood among liquor dealers in your precinct that that invitation means a command that they shall join the organization, or that they shall not get their license? A. No, sir; that is not so.

Q. I am not asking even for what may pass between yourself and the applicant, but between the excise inspector of your ward or district; do you not frequently converse with the excise inspector of your district? A. I do.

Q. And is it not a fact that all the applications for renewals and for new licenses are brought to your notice by that inspector? A. No; that is not so.

Q. What is his name? A. His name is Edward Hart; he is the inspector of that district.

Q. And he is a member of your organization? A. A member of our organization.

Q. Who is the wardman in your precinct there? A. I don't know, sir.

Q. That covers your district? A. I don't know.

Q. Don't you know the name of the wardman of the precinct? A. I don't know.

Q. Who was the wardman there before the removal of the wardman? A. A man named Brennan.

By Chairman Lexow:

Q. Have you ever sent a similar piece of paper to that typewritten annexed to your circular? A. No, sir.

Q. Do you know whether it is a habit and custom of any district leaders here in the city to send notices of that kind? A. I should judge not.

Q. And you want to be understood as stating that neither did you see the original of this typewritten annexed to your notice, or any similar one during your experience as district leader of the Ninth Assembly district? A. I never saw one.

By Mr. Goff:

Q. Never heard of it? A. Never heard of it.

By Chairman Lexow:

Q. Did you get yourself in trouble with reference to these people in your district who are under protection of the police, or supposed to be? A. Did I get myself in trouble?

Q. Yes? A. No.

Q. Did you inform yourself as to whom that was? A. I did not.

Q. Do you know who that was as matter of fact? A. I do not; and further I will state that when I was elected as chairman of the organization I suggested there should be a committee appointed to be known as the excise committee, and they will attend to all matters pertaining to excise, and I would have nothing to do with that, and I referred it to them and took that out of my hands.

Q. Do you mean to say, as a party and as a party manager in your party, you appointed an excise committee to look after and attend to excise cases? A. No; you misunderstand me; I appointed a man who is known to go and attend to all excise matters; I didn't want to have anything to do with it; what I mean by excise matters, I am appealed to day after day to go to the excise board and speak in behalf of so and so, and I said I would not have anything to do with it; one case came to me as landlord and tenant, and I said I have nothing to do with that.

Q. You did have nothing to do with it, but suggested the appointment of some particular man to take care and charge of it? A. Yes, sir.

Q. That was a fact? A. To refer the matters to it.

Q. So far as you were personally concerned the matter had become irksome to you? A. No; I never got into it.

Q. Did you think that was the proper thing for a district leader to suggest the appointment of a man who should interfere with or take charge of excise matters as a representative of a political party? A. He did not represent a political party; he simply represented me as my messenger.

Q. He represented you as chairman of the Ninth Assembly district organization, didn't he; that is what he did, didn't he? A. I never had anything to do with the excise business, and don't propose to.

Q. Did you have anything to do with it, to suggest the appointment of this particular man? A. As a messenger to help them.

Q. Now, the fact was, therefore, that when you came into office, you found as it was, a regular custom pertaining there for the district manager of Tammany Hall in that Assembly district to take, personally, charge of excise matters occurring within that Assembly district, didn't you? A. No; I did not.

Q. Why did you suggest the appointment of that man then? A. A half a dozen came to me about the excise matters, and I said, "Gentlemen, I have nothing to do with the excise board at all; this is a political organization, but there is Mr. Jones, and anything you have to say you can refer the matter to him; he is chairman of the Liquor Dealers' Association in the district — so he — I would have nothing to do with it; all the political parties, all kind of people belong to that association — Republicans and Democrats and Independents.

Q. You said, a moment ago, that you had suggested the appointment of this individual to represent you? A. Oh, not at all.

Q. As chairman of that organization? A. No; I beg pardon; I retract that; I suggested they should go and appeal to him and he will look out for their excise matters, and I suggested to go to him and appeal to him in regard to all excise matters; that district is represented in that organization, I am told, by all classes of politics.

By Mr. Goff: !

Q. And you said you had a committee appointed? A. Well, he was the one; I did not have the committee.

Q. The committee is supposed, generally, to be constituted of more than one person? A. I haven't any committee; I merely referred to him.

Q. Who was the party that you suggested? A. Mr. Thomas Holmes, chairman of the Liquor Dealers' Association in this district.

Q. And Mr. Thomas Holmes was a member of the organization of which you were the chairman? A. A member of the several organizations.

By Chairman Lexow:

Q. He was a member of the political organization of which you were chairman, wasn't he? A. That is true.

By Mr. Goff:

Q. And was that appointment of Mr. Holmes made at an open meeting of the organization? A. No.

Q. How was it made? A. Simply made by those appealing to me, and I told him and notified him that I would have nothing to do with the excise matters, that it was a political organization, and he being chairman of the Liquor Dealers' Association, anybody that came to me I referred them to him; he was the proper man to attend to that business.

Q. Yes; you designated this man as the proper man to attend to this business? A. Yes, sir.

Q. But you referred all applicants that came to you to him? A. That is right.

Q. And you were too busy a man, and he had other matters to look after too? A. It was a political organization, and I didn't propose to do it.

Q. If the political organization of which you were chairman had nothing to do with it, why did you refer all applicants to some person to represent you? A. As he was chairman of the Liquor Dealers' Association, and that organization composed of all classes of politicians, Republicans and Democrats, I thought he was the best man to look after their interests, and I referred to him.

Q. Did you refer all these applicants to Mr. Holmes? A. Well, they settled their own business with the excise board, and not appealed to me.



Q. When you referred all the applicants to Mr. Holmes, were you approached subsequently to your selection of him as your representative? A. No, sir.

Q. You were not approached? A. No.

Q. All matters were then handled by Mr. Holmes, so far as you know? A. Yes, sir.

By Chairman Lexow:

Q. Do you know whether he handled these matters in his capacity as president of the Liquor Dealers' Association of that district or in his capacity as your agent or representative of your organization? A. In the capacity of the liquor dealers' organization.

By Mr. Goff:

Q. Can you name me a liquor dealer in your district that is not a member, and whose name is not on the roll of membership of your political organization? A. I can not at present.

Q. Is there one? A. Oh, yes; more than one there that are members of our organization.

Q. Can you tell me one now; one liquor dealer in that district whose name is not on the rolls of the general committee or district committee of Tammany Hall? A. Mr. J. McKeever.

Q. He is on the corner of Fourteenth street? A. Fourteenth street, right out of our district, and on Chrystie street there is one; I can name one Mr. Byron Cross; there are many of them; Byron Cross is one of them.

Q. I think that is all; I wish to have that notice marked in evidence.

(Notice marked Exhibit one, October 31, 1894, L. W. H.)

By Chairman Lexow:

Q. I wish to ask a question or two; were any other committees or more appointed to take charge of matters that came to you as district leader of your organization? A. Not at that time.

Q. Subsequently? A. There were regular committees appointed, you know from the membership committees on rules, etc., etc.

Q. I don't mean that it took charge of matters connected with the people of your district, not politically, but in their

every day business affairs; did you have any other committees of one or more of your organization of the same description as a committee on excise that you referred to a moment ago? A. Yes; a committee to be known as a relief committee to visit the people, to help them out when they were in need, and procure for them work.

Q. And if they got into trouble to get them out of trouble?

A. There was no committee appointed for that; that was voluntary on behalf of every good citizen to go and aid them, if they have a neighbor.

Q. Do you know anybody connected with the organization who in case of arrests before police justices, interfere as a representative of your organization to secure a release to these persons? A. None whatever.

Q. None at all? A. None at all.

Q. So that your committee on relief didn't extend to that?

A. Didn't extend to that; any good citizen ought to do that to help a man out of trouble.

Q. I didn't ask what a person does in his personal capacity; I asked what you do in your political capacity as leader? A. No, sir.

Q. Did you have anybody in your organization to whom was delegated the duty of looking after the interests of those you represent, politically, in giving them charge of all troubles before police justices? A. None whatever.

John C. Sheehan, recalled as a witness and further examined by Mr. Goff, testified as follows:

Q. Have you got anything to say, Mr. Sheehan, before I question you? A. No; I will wait on you, Mr. Goff.

Q. What have you got in your hand? A. A paper.

Q. What is on the paper? A. Some printing.

Q. What? A. Some print.

Q. What is the print about? (No answer.)

Q. You said yesterday that you did not know how the liquor dealers of New York were notified through their various district associations not to pay any more blackmail to the policemen; do you wish to correct that in any way? A. No, sir.

Q. Did you ever say to any person that you did know how it was done? A. No further than I told you yesterday.

Q. Did you ever say to any person that you had yourself devised a plan by which blackmail to the police would thereafter be prevented? A. No, sir.

Q. Did you ever give to any person any further explanation of the matter than you have given to the committee yesterday, or than you give now? A. Not that I recall.

Q. Well, if you had had a plan or system that you yourself devised, or that anybody else devised, and that you adopted. Mr. Sheehan, you would very likely recall it? A. I would, yes.

Q. Do you recall? A. I do not.

Q. Or do you recall that you ever said to anyone that you had such plan? A. I never had such a plan, and I never made any such remark.

Q. I read from a daily newspaper of this city— A. Except what you read yesterday in the paper.

Q. Oh, yes, I except that; I read from a daily newspaper of this city, 13th of April, 1892; this newspaper goes on to say that, at your office in the police headquarters, "Mr. Sheehan, said that he had read with considerable interest the article published in this newspaper yesterday concerning the plan that had been adopted by Tammany Hall to put a stop to police blackmail, and find it in the main correct." Do you remember that? A. No.

Q. You don't remember that? A. Let me see it, and I can tell you.

Q. I will read it. He said, that is the commissioner said: "It is true that the saloon keepers have been directed to pay no more tribute to the police. The police have also been directed to prevent blackmail. It is also true that arrangements have been made in a way to enforce the determination of Tammany Hall to put a stop to the paying of tribute to the force. Of course, I do not wish to tell you the details of our plan, but this much I will say, a systematic effort will be made to bring to justice every head of the police department who extorts money from violators of the law. The police must do their duty. Their duty is to arrest law breakers and not protect them." This statement as read by me, and appearing in this morning's newspaper that I have referred to; is it true? A. Practically so, yes; so far as it refers to the police force.

Q. Now, we will have to take it then sentence by sentence "It is true that the saloon keepers have been directed to pay no more tribute to the police." Is that statement correct? A. Yes, sir; I told the saloon keepers that if they ever paid money to the police they must stop.

Q. What saloon keepers did you tell? A. I tell you I could not recall them.

Q. Can you name one? A. Not now.

Q. Is it not a remarkable thing that you, a commissioner of police, told saloon keepers that they must not pay any more blackmail to the police, and you are unable to give this committee the name of one man you told? A. I told you a number of times that I told a great many saloon keepers whom I saw on the matter that if they paid any money they must not pay any more.

Q. One moment, Mr. Sheehan; remember one thing; you are here as a witness, and your duty is to answer my questions? A. Yes, and in my way, and not the way you want them.

Chairman Lexow.—You are to give a direct answer.

The Witness.—I will give direct answers.

By Mr. Goff:

Q. You deserve already to be committed for contempt, over 20 times, if you were before a court of record? A. You try it.

Chairman Lexow.—You must not be defiant. We have given you all the latitude we could. We have allowed explanations that have covered pages of our minutes. Now you must demean yourself properly. Mr. Goff's criticism was correct. If your testimony given yesterday, and the day before, had been taken in a court of law you would have been committed for contempt a score of times.

The Witness.—Don't you be alarmed about that.

By Mr. Goff:

Q. Now, Mr. Commissioner, I put my question again; is it true as you have stated, that you told a number of saloon keepers in this city to not pay any more blackmail to the police, and that you can not now tell this committee the name of one of the saloon keepers whom you told? A. It is true that I told saloon keepers that if they were paying money, or ever had been paying money to the police for any purpose they must stop it; and I don't know one that admitted they paid it.

Q. I am asking, that is true; I ask you if it is true, that you can not recall now the name of one saloon keeper to whom you told that? A. I can not recall it now.

Q. Can you say the number you spoke to? A. There were quite a number; there may 15 or 20.

Q. Can you fix the number at all? A. There was quite a number of them; I would not say how many.

Q. Can you say in what particular part of this city they were located? A. Different parts of the city.

Q. All over the city? A. Yes, sir.

Q. In Harlem; did you tell a saloon keeper in Harlem? A. I would not say I did; I may have.

Q. Did you tell a saloon keeper in Bloomingdale? A. I don't believe I did.

Q. Did you tell a saloon keeper in the Battery district here? A. I would not be surprised if I did.

Q. Couldn't you give a name? A. I can't; I do not recall any at this time.

Q. Did you tell a saloon keeper in the neighborhood of Union square? A. I don't think I did.

Q. So that you can not give us the exact location or the name of any saloon keeper to whom you told not to pay blackmail to the police? A. I can not at this time.

Q. That is it; I only want that fact? A. And I gave public notice also in such expression as you are quoting now.

Q. That is true; you did; now you go on to say here, "And the police have also been directed to prevent blackmail;" now in what form did that direction go to the police? A. I don't believe I ever used those words, except, Mr. Goff, that when those transfers were made, some of the officers had reason to fear that it was made because we supposed there was something of that kind going on and we wanted to attack it.

Q. You dispute the correctness of the sentence I read? A. I don't think I made use of those words.

Q. In substance? A. I just explained how that notice was sent to the police force.

Q. "It is also true that arrangements have been made in a way to enforce the determination of Tammany Hall to put a stop to the paying of blackmail to the police." Were you reported correctly in that sentence? A. Tammany Hall has always been opposed to anything of that kind; I may have said Tammany Hall was — said something of that kind.

Q. Were you reported correctly, "It is also true that arrangements have been made in a way to enforce the determination of Tammany Hall to put a stop to the paying of tribute to the police." Were you reported correctly or not? A. I presume that I said Tammany Hall was opposed to any such system.

Q. Will you please answer my question? A. And that is literally what that was.

Q. Is that in substance correct, that sentence I have read? A. I wouldn't say it is.

Q. Will you say it was incorrect? A. I do not believe I literally used those words.

Q. In substance, is that sentence correct? A. It is in substance, when I say Tammany Hall was opposed to any such system.

Q. Why don't you say it is, practically, in substance; I understand you are covering pages with unnecessary answers; if you are a man of intelligence, you can understand a question of that kind and answer it? A. I understand the question; I will answer it in my own way.

Q. You will answer it properly? A. All right; go ahead now.

Q. Yes; we will go ahead; now, answer my question? A. What is the question?

Q. I will read it now for about the seventh time to you, a man of intelligence, as you describe yourself: "It is also true that arrangements have been made, in a way, to enforce the determination of Tammany Hall to put a stop to the paying of tribute to the police." Is that sentence true, as reported? A. I never used those words, literally, as used in that notice.

Q. Is it in substance? A. I may have said that Tammany Hall was opposed to that system.

Q. I am not asking you what you may have said; is it, in substance, true? A. It is, in substance, true, so far as Tammany Hall was opposed to such a system.

Q. "It is also true," you are reported to have said, "It is also true that arrangements have been made, in a way, to enforce the determination of Tammany Hall." Now, Mr. Commissioner, we will assume that Tammany Hall determined to do that thing; we will not dispute about that at all; now, what I want to know from you is, what arrangements had been made by which the decision of Tammany Hall was to be enforced? A. I know of no arrangements.

Q. Are you correctly reported when these words are used, "It is also true that arrangements have been made"? A. I never used those words that I recall.

Q. Do you deny the report, in that respect? A. I do not deny any part of it; I do deny using those words.

Q. Do you deny the accuracy or correctness of the language I have repeated from this interview? A. I never used that language; the reporter may have inferred something from what I said, and wrote it in that way.

Q. Were arrangements ever made by which your determination of Tammany Hall could be enforced? A. Not that I know of.

Q. You are reported to say, "Of course, I do not wish to tell you the details of our plan." Were you correctly reported in that respect? A. I do not recall using those words.

Q. Will you say you did not? A. I do not recall using them.

Q. Will you say you did not? A. I may have; I do not recall using them.

Q. I am not asking for your memory now; you may have used them; well, assuming that your "may" is correct, I ask you to tell us the details of your plan? A. The details of our plan were worked out when the captains were transferred, knowing that they were transferred, because we had some reason to believe they were doing just what the newspapers were saying just about that time.

Q. This was after the transfer, commissioner? A. I do not know.

Q. After the shake up? A. What date is that?

Q. This is the 13th of April, 1892? A. Were the transfers 1892?

Q. Yes? A. Had the transfers been made then?

Q. Yes, had been made; this was after? A. If the transfers were made at that time, of course, it was after.

Q. It was talking about the transfers the whole interview took place; and I am calling your attention to the pertinent parts of it; now, I ask you if you will give us the details of that plan? A. I just told you that the plan consisted of transferring those captains and having them understand, not directly, but it was generally understood that that was the reason they were transferred, because we had some reason to believe they were levying tribute on the saloon keepers, and we thought in that way to break it up.

Q. Now, commissioner, you spoke of the determination of Tammany Hall to put a stop to the payment of tribute to the police. "Of course I do not wish to tell you the details of our plan." Now, when you used the word "our" there who did you mean—"our plan?" A. I do not know as I used that word; if

I did, it referred to Tammany Hall and the police board, of course.

Q. To Tammany Hall—yes? A. To the police board in particular.

Q. "But this also I will say a systematic effort will be made to bring to justice every member of the police department who extorts money from violators of law." Do you remember that? I may have said it; I don't recall it.

Q. That is correct? A. I may have said something that he could infer that language from; no part of it is my own language, Mr. Goff.

Q. Now, Mr. Sheehan, I ask you again if you were not aware at the time that a conference had been held with the officers of the Liquor Dealers' Association of New York? A. If I was aware?

Q. Yes? A. No, sir.

Q. Had you ever been aware of it? A. I never have been.

Q. You never heard of such a conference? A. I have read in some papers there was something of the kind—I may have; I think I have read it in some places.

Q. Weren't you aware at that time that this interview took place, or thereabouts, that a conference was had between the gentlemen representing the Wine and Liquor Dealers' Association of New York and gentlemen representing Tammany Hall organization for the purpose of agreeing upon a plan to stop this police blackmail? A. I never heard of it; I may have read it, as I say.

Q. I mean of your knowledge? A. No, sir.

Q. You never heard of such a thing? A. No, sir.

By Chairman Lexow:

Q. Did you read Commissioner Martin's testimony on that subject before this committee? A. I think I did.

Q. Did you read Mr. Tekulsky's testimony before this committee on that subject? A. I don't know as I did.

Q. You had then, if I understand you correctly, absolutely no knowledge of these facts that Mr. Tekulsky and Commissioner Martin both testified to? A. I don't know what either one of them testified to now; if you tell me what they testified to?



Q. In reference to the meeting I spoke of for stopping police blackmail in reference to the excise law? A. I had no knowledge of it.

By Mr. Goff:

Q. Do you know anything of the police department, or any individual in the police department interfering in any way with the news-stands of this city in the sale of certain newspapers? A. No, sir.

Q. Did you ever interfere? A. I remember one occasion where some—I think he was some young man—came to me and said that the police were interfering with his news-stand on the corner somewhere near Thirty-third or Thirty-fourth street and Broadway, and I either talked with the captain or sent for him, or talked with some person with reference to it, and they disclaimed it; the answer I got was that he was trying to set up a news-stand somewhere on the sidewalk, where it was a nuisance, and they were trying to keep him back from the place where he had taken; that was the only case that came to my mind.

Q. Were you aware or did you know of the system that the keepers of news-stands— A. I beg pardon, I remember one other case where a gentleman came to me and said—I believe he came to me on the same case; I guess it is the same case; those were two I remember of, and I think they were both on the same subject.

Q. Do you know that many of the news-stands of this city intrude upon the public footpath? A. Yes, sir; in some places they do.

Q. And the police allowed them so to intrude on the payment of a monthly sum? A. I know nothing of that.

Q. Did you ever inquire into it? A. I never heard of it.

Q. Never heard of it before? A. No, sir.

Q. Did you ever hear of the bureau of incumbrances threatening to remove news-stands from the sidewalks? A. I may have; I do not recall any, though.

Q. Have you any knowledge whatever upon that subject? A. I have not.

Q. Don't you know, as a matter of fact, that the bureau of incumbrances threatened to remove news-stands unless they promised to give up the sale of papers politically opposed to your organization? A. I never knew of anything of the kind.

Q. Never heard anything about it? A. No, sir.

Q. Never heard of any case where such a thing was done?  
A. I may have heard of some rumor of that kind; I don't recall any case.

Q. Did you ever give directions or suggestions relating to such removals, or threatening such removals? A. Of news-stands?

Q. Yes? A. No, sir.

Q. Were you ever appealed to in any manner, shape or form, to use your influence with regard to such news-stands? A. How do you mean, to have them removed?

Q. To have them removed? A. No, sir.

Q. Unless they promised not to sell certain newspapers that were attacking the police department and Tammany Hall? A. No, sir.

Q. Did you ever hear that anyone acting in your name, or assuming to use your name, did threaten such news-stands for selling those papers? A. I don't recall any.

Q. Do you think if such a thing had occurred that it would have escaped your memory? A. If such a thing had happened I would know something about it; that is if my knowledge was called to it.

Q. Then you can state, as a matter of fact, that such thing never occurred? A. I don't think it ever did.

Q. Have you any doubts about it? A. What is the question; I may have got them mixed.

Mr. Goff.—Read the question.

Q. (Question read by stenographer.) Don't you know, as a matter of fact, that the bureau of incumbences threatened to remove news-stands unless they promised to give up the selling of papers politically opposed to your organization? A. No, sir.

Q. You do not? A. No, sir.

Q. Was there ever any matter relating to that subject brought to your attention by a member of the Pequod Club? A. To remove—

Q. About the newsdealers? A. I don't recall it; there may have been some talk; I think there was; but I don't remember what it was now.

Q. Did you not tell a man in the Pequod Club yourself that the newsdealers complained of selling these papers opposed to your political organization and to your department would be removed unless they stopped the sale of these newspapers? A. Did I tell anybody; no, sir.

Q. Was it ever talked about in the rooms of the Pequod Club? A. It may have been.

Q. If it were talked about in the rooms of the Pequod Club, and you, a police commissioner, did you take any action whatever, or make any suggestion concerning it? A. I don't recollect that they talked, or of all that is said in the Pequod Club.

Q. I ask you for your knowledge; I don't mean to say I would ask you to know all that was said in the Pequod Club; I ask you to tell us what was said there to your knowledge? A. I never heard anything said about removing a news-stand.

Q. Do you know a man by the name of Elduff or Kelduff? A. No, sir.

Q. A liquor dealer? A. I don't—I may, but I don't recall the man.

Q. Or McElduff? A. There is such a man over on Eighth avenue, I believe.

Q. Was not McElduff told in the rooms of Pequod Club that he should tell the newsdealer that had a stand in front of his liquor store that if he did not give up selling certain newspapers that were attacking your political organization in that department, that the newsdealer would have to be removed in front of the liquor store? A. I don't know, sir.

Q. Did you ever hear anything about it? A. I did not.

Q. Is this the first you ever heard about it? A. That is the first I heard he was given any such direction, or request made of him.

Q. Don't you know, as a matter of fact, that some of the newspapers that have been opposed to your organization and criticised your department, have had to establish a special service by news men and boys in your district? A. I heard something of that.

Q. Do you know why they have had to establish a special service? A. I think the people got sick of the paper you refer to and did not want to take it.

Q. Is it not a fact that through your influence the newsdealers were compelled to refrain from exhibiting it on their news-stands? A. No, sir.

Q. Is not that the fact? A. That is not the fact; everybody over there knew I had no use for that newspaper, and they probably took it upon themselves to shut it out.

Q. What do you mean by "that newspaper?" A. The newspaper you refer to; any newspaper that had to set up a special service.

Q. What newspaper is that? A. You know; I said any newspaper.

Q. You did not? A. I corrected it to "any newspaper that set up a special service."

Q. You said that newspaper I referred to? A. Any newspaper you referred to as setting up a special service.

Q. Why did you not mention the name of the newspaper? A. I change it and say "any newspaper."

Q. You were correct when you said that, Mr. Sheehan, "That newspaper?" A. Well, I say now "any newspaper" that you say set up a special service for the delivery of their papers.

Q. You said, Mr. Sheehan, "That newspaper you refer to?" A. I am changing it now.

Q. You said, "I had no use for it;" for what paper? A. I have no use for a paper that wrongly attacks me.

Q. You said, "No use for any newspaper"—"for it;" what paper had you in mind? A. Any paper that set up special service.

Q. What paper set up special service? A. I don't know; you know.

Q. You said, "That newspaper; I have no use for it;" what newspaper? A. Any newspaper that attacks a man unjustly and wrongly.

Q. You said, "The people of that district that understood I had no use for it," and they gave over taking it; what paper did the police give over taking, because they knew you had no use for it? A. Any filthy paper they had no use for, I presume.

Q. Is it a fact that the residents of that district are guided in their moral tenets by your preference or antipathies for that newspaper? A. No; the people in our district when they find a filthy sheet attacking a man without reason they resent it.

Q. And you are informed the people in that district resented that attack? A. If they believe I am unjustly attacked they resent it, I think.

Q. Do you wish us to understand that any newspaper that you may favor, or that you may condemn by reason of your antipathy to it, or its antipathy to you, will also be condemned by the people of your district? A. No.

Chairman Lexow.—Let me understand this. It was not the people who refused to take the paper, but it was the news-stand men who were compelled to refuse to take the paper and sell it to the people, was not that it, Mr. Goff?

Mr. Goff.—Yes, sir.

Senator Cantor.—Who is testifying, you or the counsel or the witness?

By Chairman Lexow:

Q. That is a fact, is it not, Mr. Sheehan? A. What is that?

Q. That it was not the people who refused to take the paper, but it was the news-stand dealers who did not take the paper and sell it to the people? A. A great many news-stand dealers are friends to the people of the district, and they know what the people want.

Q. Do you mean to say that the newspaper was not sold in that district after that time? A. What newspaper?

Q. Whatever newspaper you had in mind when you testified? A. Any newspaper that Mr. Goff said set up special service; I do not say it was not sold in the district; I know nothing about it.

Q. You said, "That filthy sheet?" A. I did not say "That filthy sheet;" any filthy sheets.

Q. How many filthy sheets were in your district; do you know? A. I am not prepared to tell you now.

Q. Was there any? A. I presume there are.

Q. Will you name us one? A. No.

Q. Why? A. I am not prepared to.

Q. Are you afraid? A. I am not afraid.

Q. You say you are not afraid of any newspaper, then why do you fail to name the particular newspaper that you had in mind, Mr. Sheehan? A. I am not prepared to name any newspaper.

Q. You simply will not name any newspaper? A. I am not prepared to name any at this time.

Q. You remember, Mr. Sheehan, a publication in one of the metropolitan dailies here, an article on the padrone system? A. Yes, sir.

Q. That article gave you offense? A. I remember a number of them.

Q. What paper was that article published in? A. I believe it was published in more than one; one anyhow.

Q. Give us the name of one anyway? A. It was published in the New York World.

Q. And it was after the publication of the padrone article that the newsdealers stopped selling that newspaper? A. No, sir; I heard nothing about it after the publication of that article.

Q. Was it not after the publication of that article on the padrone system that word was sent to the newsdealers not to

sell that paper any more from their news-stands? A. Not that I know of.

Q. Will you swear it was not? A. I am swearing it.

Q. Was it before the publication of the padrone article? A. I do not know any notice was sent at any time.

Q. Did you take particular notice of that padrone article? A. I read it and brought action afterwards in reference to it.

Q. Another action? A. This is all in the same action; it is pending now, Mr. Goff, and on the calendar of the Supreme Court.

Q. You referred to that before? A. Yes, sir.

Q. That is the action you referred to before, a legal action? A. Yes, sir.

Q. After the publication of that article that you deemed libelous, did you not then take measures to prevent the sale of that newspaper upon the news-stands in your district? A. I did not.

Q. Did anyone for you? A. I don't believe it.

Q. Had you any knowledge? A. No knowledge whatever.

Q. Was there anything said about it in that sense? A. I have heard the paper denounced very clearly a great many times.

Q. Was there anything said about the stoppage of its sale upon the news-stands? A. No, sir.

Q. Was it talked about at the Pequod Club? A. No, sir.

Q. In your presence? A. No, sir; I heard men say it was unfit to be read by anybody.

Q. I am not speaking about that, Mr. Sheehan; I am speaking about the stoppage of the sale of the newspaper upon the news-stands of that paper? A. No, sir; not that I know of.

Q. Was that the paper you referred to as the filthy paper? A. It might be one of them.

Q. Give us the other now? A. I am not prepared to tell you now.

Q. You were not prepared to tell us before; now just tell us one? A. No.

Q. Can not you tell us the name of another paper? A. Not at this time.

Q. Why not at this time? A. I am not prepared to tell it.

Q. What is the reason you are not prepared? A. No particular reason.

Q. Does your memory fail you? A. No, sir.

Q. Why are you not prepared? A. I am not prepared, that is sufficient.

Q. Does it need preparation to utter the name of a newspaper? A. Not much.

Q. What mental operation must you go through in order to be prepared to mention the name of a newspaper? A. Very little.

Q. Can't you tell us the name of another filthy sheet? A. Not at this time.

Q. At any other time before you leave the witness stand, will you tell us? A. I may at some other time.

Q. It is a question of importance with you? A. No.

Q. Are you afraid? A. No, sir.

Q. I want you now to name, before this committee, a newspaper that you referred to, or any newspaper that you referred to as a filthy sheet, in addition to the name of the newspaper you have already given? A. I am not prepared to tell you at this time any other paper, other than the one you have mentioned.

Q. And you will not? A. I will not.

Chairman Lexow.—The chairman directs—

The Witness.—I am not prepared to state it at this time.

Chairman Lexow.—The chairman directs the witness to answer the question.

Senator Cantor.—Had not the chairman better consult with the committee first?

Chairman Lexow.—If the committee disapproves—

Senator Cantor.—Before you direct the witness, don't you think you had better consult with the committee?

The Chairman.—I call the Senator to order.

Senator Cantor.—I will call you to order. You have no right to speak for the committee without conferring with them.

Chairman Lexow.—The stenographer will take down the ruling of the chair. The stenographer will not take down the remarks of the Senator.

Mr. Goff.—Before we go any further, I now move, Mr. Chairman, that this courtroom be cleared beyond that rail. I make this motion, and I want it to go on the record, and I will let the Honorable Senator speak now for himself. Senator Cantor, it is only fair to give you the opportunity, that information has reached me from what I consider reliable sources, that through the permission of Senator Cantor of this committee, acting in

conjunction with Mr. Sheehan, the Pequod Club or its members have come down here in force from day to day to arouse applause and to interrupt the proceedings of this committee. I have never raised any objection to any man coming into this courtroom, I do not care what his views may be, and I do not care how they may regard our actions or my conduct, but I do object to any clique or clique coming here to pursue a certain line of conduct for the purpose of obstruction; and I use this opportunity now, Senator Cantor, to give you an opportunity to place yourself correct, because I am satisfied that you, as a Senator of the committee, would never do such a thing, but your name has been frequently used, and it being frequently used, Mr. Cantor, in such a way as that it has been common rumor, I have thought it proper to furnish you an opportunity to give it that denial that I know you can truthfully give.

Senator Cantor.—Why, Mr. Goff, I do not suppose that any man who knows me would believe for an instant that I would be guilty, either directly or indirectly, of anything of that kind.

Mr. Goff.—I believe it.

Senator Cantor.—I have not consulted with a man of the Pequod Club. I have not even spoken a word to Commissioner Sheehan since he has been in the witness stand, except in the courtroom in the presence of a number of people; and I submit that being a common rumor, you ought to give me the name of at least one person who gave that intelligence to you. I have, I think, admitted in this room two or three persons. The Pequod Club I know nothing about. I have never been in the clubroom and haven't conferred with Commissioner Sheehan on the subject, and it is not fair to me at this time to suggest anything of that kind.

Chairman Lexow.—I have listened, and after a long acquaintance with Senator Cantor, I do not hesitate to pronounce that from my knowledge of the man, it is absolutely false.

Mr. Goff.—So do I, and I agree with him, and I think it my duty, from a long acquaintance with Mr. Cantor, to enable Mr. Cantor to say so in his own words to the doorkeepers of your committee who have brought these reports to me, of men demanding admission in your name, Senator; I think you say that it is without your permission.

Senator Cantor.—I do. The doorkeepers are in the employ of the committee. I do not know the names of the doorkeepers. The doorkeepers have been instructed to send in the names of



anyone inquiring for me in advance, of any person asking admittance in my name. If the doorkeepers have let anybody in in my name, they have done so in violation of my directions.

Mr. Goff.—I considered first the propriety of speaking to you privately; but the rumors had reached such an extent involving your name, that I thought it due to you, Senator, to give you an opportunity to set them at rest forever by a prompt and emphatic denial, which I knew you would and could give them.

Senator Cantor.—I am obliged to you for giving me the opportunity. I am opposed to demonstrations of the audience; but at the same time thought the gentlemen sitting here had their feelings aroused once in a while. I do not object to a gentleman hissing if he desires to, but at the same time, I ask that the right of a gentleman shall be sustained by the chairman. I submit to the chairman this proposition that before a witness is directed to answer a question, that the chairman, out of common courtesy to his associates on the committee, should confer with them. If you overrule my objection that is another thing; I will submit then to the majority of the committee.

Chairman Lexow.—The practice has been followed, and as I understand has been followed by every investigating committee, that the chair makes the ruling, and any Senator may object to that ruling. The chair then puts it to the body of the Senators, and if they revise his ruling the ruling is inoperative.

Senator Cantor.—I called your attention before the ruling of the chair was fairly announced.

Chairman Lexow.—I ruled and you objected to my ruling, and I put the question to the Senators.

Senator Cantor.—There has been no conflict between us right along on these subjects. I only suggest that when it comes to the question—

Chairman Lexow.—I am going to give the Senator every opportunity to overrule me. The chair rules that the witness must answer the question. Senator Cantor objects to the ruling upon the ground that the question is not material to the investigation. As to the other filthy sheet he refers to (the chair then consulted with the committee) the committee are unanimously in favor of approving the ruling of the chair with the exception of one. Therefore, the chair is sustained. Answer the question witness.

A. In the first place I want to say there are two members of the Pequod Club in this vast audience.

Mr. Goff.—I object.

A. What is the question?

Q. (Question repeated) I want you now to name before this committee a newspaper that you referred to or any newspaper that you referred to as a filthy sheet in addition to the name of the newspaper you have already given? A. I want to say in answer to that that I took no steps whatever to prevent the sale of any newspaper in that district.

Q. That is not the question?

By Chairman Lexow:

Q. You have given the name of The World; what are the other filthy newspapers you referred to in your answer? A. I didn't prevent the sale of any newspaper in the city; I have reasons for not stating the paper; I have other actions pending.

By Mr. Goff:

Q. You refuse to tell in answer to the question the chair has directed you to answer? A. I do not think it is material.

Q. Do you refuse to answer the question which the committee has directed you to answer? A. You want me to tell the filthy newspapers when I say I do not want to tell.

Q. Do you refuse to answer the question which the committee has directed you to answer? A. What is the question.

Q. (Question repeated by stenographer.) I want you now to name to this committee a newspaper that you referred to or any newspaper that you referred to as a filthy sheet in addition to the name of the newspaper you have already given? A. I don't know of any sheet that is more filthy than the one I have referred to.

Q. Is that an answer? A. I believe it is; do you want me to name another.

Q. Yes? A. I can not name one at this time.

By Chairman Lexow:

Q. You said a few moments ago, Mr. Commissioner, you could name them and would not? A. I said I was not prepared to name one and did not say I could.

Chairman Lexow.—I think, Mr. Goff, that we know enough about that now.

Mr. Goff.—So as to keep the records straight, Mr. Chairman, I beg leave to withdraw the motion that I have made that this room be cleared. But I wish to say, in connection with it, that

through all the proceedings of this committee, as close an observance of the proprieties as it was possible to observe, even when counsel were on the other side, that close observance was observed by the committee and by counsel as far as we possibly could, and since the disappearance of counsel representing the department, I have been more careful in my language not to incite any feelings of disapprobation or displeasure as far as I could avoid doing so, but I will certainly insist as counsel to this committee that if we can not prosecute our inquiry without being met by expressions of applause or dissent, either way, for or against disproving or approving, that I will certainly discontinue to appear in a public courtroom in this city, if we can not pursue unhampered and unchecked by any expressions from any one, the duty involved upon us by law; and hereafter, I will say, that after such expressions from any audience, I do not care who, for or against, I shall certainly press my motion, Mr. Chairman, that this committee room shall be cleared.

Senator Cantor.—I think we are entitled to the same solemnity as in a court of law.

Mr. Goff.—Every bit.

Chairman Lexow.—I suppose we are all too good natured about it.

Mr. Goff.—The commissioner wants to say something. Mr. Sheehan wants to say something.

Chairman Lexow.—I think the character of testimony that was produced was such that we naturally had some expressions of either dissent or approval on the part of the audience. I thought it was only on the part of good nature to permit it to a limited extent, but when it comes to hissing a Senator or hissing any expression made, either by counsel or Senator, it reaches an extreme that should be avoided.

Mr. Goff.—I think that the dissensions between the Senators should be of such a character as would prevent any audience from expressing its opinion one way or another. That is why I paid such special attention to this particular case.

Chairman Lexow.—It seems to be the unanimous opinion of the committee that if any occasion of a repetition of these scenes should occur, this room will be cleared.

Mr. Goff.—You have asked, I believe, for an opportunity to say something in reference to the club named the Pequod Club or in reference to them coming down here.

Witness.—Yes, sir.

Q. Since it is on the record, I think it but just to give that opportunity to you to say it now? A. Mr. Goff, in looking over this vast audience, this court-room is full, I find there are but two members of the Pequod Club in the whole court-room—no, I believe there are three; there are two, one is a lawyer, a member of the bar of this county; the other is not, and the third I have reference to, is sitting here in the capacity of a newspaper man, your friend Mr. O'Brien.

Q. Now, Mr. Sheehan, can you tell us how many police captains you have appointed since you have been commissioner of police? A. Two, I think.

Q. Their names please? A. Captain—I withdraw that; I have appointed no captain.

Q. Well, you understand, of course, the meaning of my language? A. You mean moving their appointment.

Q. Yes? A. I moved the appointment of two in the police board.

Q. That is what I mean; it has been testified to here by a brother commissioner of yours; in fact by two commissioners of police, that the custom pursued in the police board was to allow to each member of the police board certain appointments, and that his recommendations were generally accepted by the police board? A. Yes, sir.

Q. So that it got to be finally accepted that where the recommendation of a commissioner for appointment of a certain captain; that was considered his appointment? A. He would make a motion in the board and if the officer was satisfactory he was made captain.

Q. How many were appointed by you? A. Two.

Q. Who? A. Captain Delaney and Captain Pickett.

Q. Do you know how many sergeants you recommended; do you remember how many sergeants you appointed? A. Not at this time, Mr. Goff; probably four or five; I do not recall them.

Q. Well, you moved the appointment of Sergeant Thompson; John H. Thompson; that is, his appointment from roundsman to sergeant? A. I believe I did; some man of the name of Townsend; I do not remember where he was.

Q. And you remember the appointment of a man by the name of Townsend? A. That is the same one; isn't it?

Q. Yes. A. Did you get that from the record?

Q. This is the record in my hand, Mr. Sheehan? A. That is correct, then.

Q. There were on the eligible list 12 names appearing here, Mr. Commissioner, and the lowest percentage on the eligible list is John Townsend; the man you moved to be appointed sergeant; the other lowest name on the list is John H. Thompson; the other man you moved to appoint? A. Thompson?

Q. John H. Thompson? A. I do not recall ever appointing that man.

Q. It may have escaped your memory, but Townsend has not escaped your memory? A. I remember Townsend; I think there was four appointed at that time, and that gave us 12 names, and four were selected from the 12.

Q. The precinct Thompson was in at the time was the Eleventh precinct, and he was moved to the Thirteenth precinct; does that refresh your memory? A. No; by referring to my record here I can tell whether I—

Q. And John Townsend was removed from the Twentieth to the Twenty-fourth precinct, and made sergeant at the time of his removal? A. Yes, sir.

Q. You knew Townsend personally, didn't you? A. No; I have seen him probably a number of times.

Q. How much money did you receive from Townsend for his appointment? A. Not a penny.

Q. How much did Parks receive for you A. Not a penny that I know of.

Q. Will you swear you did not? A. I swear I did not.

Q. Will you swear that Townsend did not pay Parks \$6,000 for his appointment of sergeant? A. Not that I ever heard of.

Q. Are you not aware that Townsend had obtained \$10,000 in money from the Ulster and Delaware Railroad Company, where his father and mother had been killed by an accident? A. I never heard of it.

Q. Never heard that before? A. No, sir.

Q. Will you swear that money did not reach you at the time Townsend was made a sergeant, on account of his sergeancy? A. No, sir.

Q. Where is your bank-book? A. Here in court.

Q. Let me look at it? A. You fix the date and I will turn the bank-book over to you.

Q. I want your bank-book? A. You fix the date when that appointment was made and I will show you whether I have got it or not.

Q. I ask you for your bank-book? A. What was the date of the appointment?

Q. Now, I will give you no more information? A. That man was promoted December 27th, on the recommendation of Alderman Peter J. Dooling.

Q. Alderman—let us get the name? A. Alderman Peter J. Dooling.

Q. Then we have it here now—we had better have this on the record—that a member of the police department, who was a roundsman, was promoted to be sergeant of police on the recommendation of an alderman, is that so? A. I have got his recommendation; yes, sir.

Q. It is only right we should know the step of preferment, and that the police force of this city—the patrolmen of this city—should know what to expect and what to do, before they can obtain preferment in their department they must obtain the endorsement of an alderman, or recommendation. (Witness hands bank-book to Mr. Goff.)

Q. You hand me the bank-book? A. Yes, sir.

Q. Let us have no misunderstanding? A. I hand you the bank-book on this particular subject.

Q. I ask the bank-book and won't take it on any particular subject? A. I hand you the bank-book to verify or unverify what you have stated here.

Q. Very well, let me have the bank-book; now Mr. Sheehan have you got any other bank-books but the one you have handed me? A. I have got a number of bank-books here.

Q. Will you hand them all to me? A. They are all my business bank accounts.

Q. Well, even so; we shall deal properly with them? A. I want to say in answer to that (reading from a paper) I am advised by counsel—

Q. One moment please; I ask now for all your bank-books; you have given me one? A. Yes, sir; I have given one on that particular question.

Chairman Lexow.—One moment, Mr. Goff. You have asked for all the bank-books within a specified time, have you not? I would put my question so it is not indefinite.

Mr. Goff.—Yes, I apprehend the commissioner understood that.

Q. While you were commissioner of police, of course, I meant that; now, Mr. Commissioner, I ask you for all the bank-books in which deposits have been made by you individually, or in partnership with any other person, whether private, per-

sonal or business accounts; you hand me one bank-book endorsed "The Garfield National Bank in account with John C. Sheehan;" now I ask you, and I may look at the dates of this, so I may get it right, Mr. Sheehan — apparently from April 20, 1892, to October 15, 1894; now, Mr. Sheehan, I ask you if there are any other bank-books in your possession and under your control except the one you have handed me? A. I say in answer to that, Mr. Goff, that I have handed you that bank-book to verify the question.

Mr. Goff.—No, no; don't take this down.

Senator O'Connor.—That is only asking you whether you have other bank-books.

The Witness.—I have other books, and they are here in court; they are here!

Q. Before we proceed to the point that you evidently desire to reach, commissioner, is the bank-book that you hand me now designated as representing any particular account? A. That is my private account.

Q. This is your private account? A. Yes, sir.

Senator O'Connor.—For what period of time?

Mr. Goff.—I mentioned the dates from April 20, 1892, to October 15, 1894, according to the entries in the book.

Q. Now, Mr. Sheehan, have you any other bank-book representing any individual or personal account confined solely to deposits made by you in your private capacity than the one you have handed to me? A. I have got another one.

Q. What account does the other one represent? A. It is a private account, very little of it though, where I deposit occasionally.

Q. Will you hand me the other book representing the private account you speak of? A. I want to get this on the record.

Q. I ask you now will you hand me the other private account of which you speak, and which is in your possession? A. I will not at this time.

Q. You will not? A. I have handed you no book—you understand that book is—

Q. You will have a fair opportunity.

Senator Pound.—He makes the point he has not handed you that book.

Mr. Goff.—I understand that. I have only looked into this book for the purpose of ascertaining the first and the last dates of entry so as to answer the Senators.

The Witness.—Yes; that is all right.

By Mr. Goff:

Q. Have you any other bank-book representing any private or personal account — confine your private or personal transactions — with any savings or deposit institution in this city, except the two books that you have described? A. I have a number of books there that refer to my personal and business accounts; they are business accounts, or private business books.

Q. How many have you? A. I have got an account, John C. Sheehan & Co., with the Queens County Bank.

Q. With the Queens County Bank? A. Yes, sir; another one with the American Exchange National Bank.

Q. In what name is that other one? A. John C. Sheehan & Co.; another with the Mutual Bank.

Q. John C. Sheehan & Co. with the Mutual Bank of New York? A. Yes, sir.

Q. Where is that? A. Corner of Eighth avenue and Thirty-fourth street; another with the Garfield National Bank.

Q. What is that? A. John C. Sheehan & Company; and the one you have got here, and the other one, has reference to one as John C. Sheehan & Company with the Importers and Traders' Bank — six different banks; there are six different accounts rather.

Q. The one you referred before, Mr. Sheehan, as representing a private account, but that it did not cover a long period of time, you said? A. Oh, it covers the same time; it was an account I had prior to the opening of that account, and I have never entirely closed it out.

Q. What bank is that? A. Importers and Traders.

Q. Now, I ask you to hand me the bank-books that you have recited? A. Well, I say in answer to that, I am advised —

Q. Let me ask you, you are now reading from a memorandum? A. Prepared by myself under advise of counsel; I am advised by counsel that there is no warrant of law —

Q. Wait one moment, I am perfectly willing, of course, to give Mr. Sheehan every opportunity, but I do not think it is proper or that it is evidence for any witness to put on the record an answer prepared in advance by counsel; I know no precedent; certainly know that it could not be admitted in a court of law.

The Witness.—It is my answer, Mr. Goff.

The Chairman.—This is an extraordinary proceeding Mr. Goff, and I think the better way to dispose of it is this: Let



the witness state whatever he proposes to state there, and if it is improper we can keep it from the record.

The Witness.—I am answering your question.

Senator O'Connor.—We want the witness to raise the issue as square as he wishes to.

The Witness.—(Reading from paper) I am advised by counsel that there is no warrant of law for this committee inquiring into my private papers and personal or business bank-books; all my official acts as police commissioner you may inquire into, and every paper pertaining to that office, which I have, is freely at your disposal; very few men of affairs are able to recollect or explain the nature of all bank deposits, unless a correct account is kept in each case; I venture to say that there is not a member of this committee who can remember the source of his bank deposits, even for the last six months.

Mr. Goff.—I object to any further reading from that portion of the reasons, "Very few men of affairs are able to recollect or explain the nature of all bank accounts, etc." That, I move be stricken from the record.

The Witness.—"I have zealously endeavored, however, to trace out my bank deposits since I became commissioner of police, and have now in my hands a statement showing substantially every dollar of money I have received since the date of my appointment, and the source from which each dollar came; I do not, however, feel justified in laying bare before this committee all my private and business accounts until some charge of bribery or corruption is made against me; should any man, woman or child take this stand and impugn my official integrity, the public will then justify the production of my private books and papers, and this committee is assured that if any such proof is obtained, I will forthwith produce my bank-books, books of account and private papers, in order that you may substantiate the charge, or that I may completely prove its falsity; personally, I have nothing to fear from a most rigid scrutiny of my accounts; my objection is against the principle that would allow any man's private business or professional relations to be spread before the public; I will cheerfully obey the judgment of any court of competent jurisdiction that holds contrary to the position I assume."

Mr. Goff.—I move, Mr. Chairman, that all of the witness' answer, commencing with the paragraph "Very few men of

affairs are able to recollect or explain the nature of all bank deposits unless a correct account is kept in each case," and all succeeding matter to that be stricken from the record as not an answer, but simply an argument of counsel to go on record; the answer of the witness is contained very definitely in the first paragraph.

The Chairman.—I understand this is a case where the witness has no legal adviser; he is here to some extent under the protection of the committee; we want to be as fair with this witness as we know how; and we think it is only proper — at least I heard a majority, I think, of this committee, so express themselves—that he should have this opportunity offered him of putting on record the reason why he refuses to produce his books; now the committee is prepared to overrule those reasons and insist the books be produced.

Mr. Goff.—Very well then, I withdraw the motion.

Q. Now the committee has overruled your reasons for refusing, Mr. Sheehan, I ask you now to produce all the books you have mentioned? A. For the reasons stated I refuse to produce them.

Q. Let us settle this one bank-book I had first, Mr. Sheehan.

Chairman Lexow.—I think it is only proper for the chair to put upon the record the reasons that induced the ruling that has been made. The committee, or a majority of the committee, holds that inasmuch as a general condition of corruption has been shown to exist in the department of which the commissioner is one of the heads, that his intimate relation to that department raises a presumption that can only be repudiated by the production of his private papers and books. That leads us naturally into an investigation of those affairs; and hence in our judgment the books are proper evidence. The resolution charges, as I understand it, the entire department with corruption.

Mr. Goff.—Yes.

Chairman Lexow.—This is one branch; and in fact the head of the department was charged; and the resolution is to go into all sources of information for the purpose of ascertaining the truth or falsity of those charges.

Mr. Goff.—“Whereas it has been charged and maintained that the police department of the city of New York is corrupt, that grave abuses exist in said department; that in said city the laws for the suppression of crime, the municipal ordi-

nances and regulations duly enacted for the best security of said city are not strictly enforced by the said department and by the police force," etc. That is the opening language of the resolution appointing this committee. There is no question about the police department and the force. "The said department and the police force" and that language runs through all the resolution — "said department and said police force."

Chairman Lexow.— I do not think there would be any doubt but that the statement made by the commissioner would be valid if he was a private individual; but inasmuch as he is a public official charged by law with the performance of certain duties, and it has been shown here that the entire department under his charge is honeycombed with corruption, and the general condition shown which leads at least to a suspicion in the direction of taking of corruption by those higher in authority than the direct testimony has shown, that it forms a scintilla upon which this proof can properly be interposed.

By Mr. Goff:

Q. Now, Mr. Commissioner, so that we will have no misunderstanding in regard to the bank-book which you have handed to me — the Garfield National Bank in account with John C. Sheehan — am I correct in understanding you that you hand this to me for a specific and limited purpose as to time? A. In answer to the question you put to me in reference to that particular matter.

Q. So we will have no mistake about this book now — I have not looked into it except to ascertain the dates in answer to the Senators — I hand the bank-book back to you without examination; now I ask you to hand me your bank-book representing your private account in the Garfield National Bank? A. For the reasons I have stated I decline to hand it to you.

Chairman Lexow.— The chair directs the witness to hand the book to the counsel.

Q. Do you refuse to obey the directions of the committee? A. For the reasons stated, I do.

Q. You refuse; now, Mr. Sheehan, you have given your legal reasons, that is, what you have been advised are your reasons; do you remember your brother commissioner's, McClave's, examination here? A. Some of it.

Q. You remember that Mr. McClave unhesitatingly produced all the bank-books he was asked for? A. I do.

Q. And his private memoranda? A. Yes, sir.

Q. And so far as Mr. McClave was concerned he complied with every request made by this committee and counsel as to his books and accounts? A. I am prepared to do the same when you lay the foundation for doing so.

Q. You remember that? A. Yes, sir.

Q. Don't you remember that Mr. McClave submitted his books, checks, vouchers and everything asked for the very first request that was ever made for them? A. I believe he did.

Q. Are you a less honest man than McClave? A. No, sir; when you lay the foundation I will pass you my bank-book.

Q. If Mr. McClave was not afraid to produce his bank-books and private accounts, why are you afraid? A. I am not afraid to produce them, sir; they are here in court.

Q. You are falling back on what you consider to be your technical rights? A. I am protecting a principle I think is a proper one.

Q. You are falling back on what you consider your technical rights? A. My legal rights, I believe.

Q. You have been advised by counsel? A. I have.

Q. You are here as a public official of the city of New York under examination? A. Yes, sir.

Q. You have heard me read the language of the resolution appointing this committee, that it was charged and maintained before the Senate of the State of New York that in the department of which you are one of the heads, there was fraud, bribery and corruption; with that charge against you, as one of the heads of the department, are you now prepared to go before the people of this State and refuse to allow your bank-book to be examined by this committee? A. I will allow my bank-books to be examined on any particular item or on any particular date on which you charge any irregularities against me.

Q. You do not think, Mr. Sheehan, that we are fools enough to believe that if there was a corrupt transaction in connection with the appointment of any police official, or with any other transaction, that you would be fool enough to have entries made upon that date; that would show a corrupt transaction? A. Any day you can identify it.

Q. We have a higher regard for your intelligence than that? A. I might know that.

Q. This resolution by the Senate charges you as one of the heads of the department with being corrupt; are you, in the face of such a charge afraid to show your bank-books? A. I am not; I passed it to you.

Q. Now don't let us hedge upon that at all; let us deal with this question fairly and squarely; you handed a book to me under a limitation and I refused to accept it under a limitation; therefore, we will not have any misunderstanding about that, commissioner; I ask you again; you, as one of the heads of this police department of New York, stand charged with corruption, you being the recipient of blackmail and bribery; are you willing in the face of such a charge, solemnly made by the Senate of this State, to refuse to produce your bank-books on the requirement of this committee? A. I am ready and willing to produce my bank-book on every occasion where you say I have been guilty of any irregularity, where you fix the date and time or at any place near it.

Q. Are you willing to have this committee examine your books, so that they may examine and find out whether or no there was any truth, or is any truth, in the charges, so far as you are concerned? A. I am not; I am not going to turn my books over to you.

Q. That is all; you have answered me, you won't; you recognize, Mr. Commissioner, that this committee was appointed by the Senate of the State of New York to ascertain the truth or falsity of those charges; and in pursuit and discharge of their duty they ask you to furnish them with your bank-books or other accounts that they may be able to ascertain whether or no there has been truth, or is truth, in those charges; and you recognize that, do you? A. What was that?

Q. (Question read by the stenographer.) You recognize, Mr. Commissioner, that this committee was appointed by the Senate of the State of New York to ascertain the truth or falsity of those charges; and in the pursuit and discharge of their duty they ask you to furnish them with your bank-books or other accounts, that they may be able to ascertain whether or no there has been truth, or is truth, in those charges; and you recognize that, do you? A. Yes; and for the reasons I have already stated, I decline to produce them or turn them over to you.

Q. Are you an honest man? A. Yes, sir.

Q. Have you anything to conceal? A. Nothing.

Q. By your refusal to offer these bank-books? A. Nothing.

Q. I you are an honest man and have nothing to conceal, why do you refuse? A. I will let you have the books, so far as that particular matter you refer to.

Q. I am not asking in reference to that particular matter; put my question again; if you are an honest man, and you have nothing to conceal, why do you refuse? A. For the reasons I have already stated.

Q. Are you afraid to let us inquire as to the sources of corruption which reached you, and which enabled you to buy real property? A. No corruption ever reached me.

Q. Are you afraid to let us examine your books on that question? A. I am not afraid; no, sir.

Q. Then why do you not give them to us? A. For the reasons stated I do not propose to give them to you.

Q. How much did the horse you have cost? A. I never had one that I know of.

Q. You never had a horse? A. I had one fifteen or twenty years ago, I guess.

Q. That would not be of much use now anyway? A. No, pretty old now.

Q. Well, what I mean, have you a horse since you have been in New York? A. No, sir.

Q. Or any member of your family? A. No, sir.

Q. Have you driven horses, and used them as your own? A. No, sir.

Q. Do you go to stables for the purpose of driving horses and using them as your own, in outside work I mean? A. Never.

Q. What? A. Never have.

Q. Have you got a coachman? A. I have not.

Q. Or a carriage? A. No, sir.

Q. Did you have them since you have been in the department? A. I never have had.

Q. Or any member of your family? A. No member of my family.

Q. I want to give you every opportunity, Mr. Sheehan; now you have bought real property in New York? A. I bought a house and lot, I think, a few months after I was married.

Q. You were married when you were a commissioner? A. I was married a month afterwards, I believe, or two months.

Q. It was a happy juxtaposition of two important events? A. Yes, sir.

Q. You bought a house and lot, you say? A. Yes, sir.

Q. You bought more than one house and lot? A. I did not.

Q. Oh yes you did? A. I did not.

Q. Only think? A. I did not.

Q. Where was the first house and lot you bought? A. I bought the house where I now live on West Twenty-third street.

Q. Didn't you buy a house on West Eighty-fifth street? A. No, sir; Mr. O'Brien bought a house on West Eighty-first street and took the title in my name.

Q. And took the title in your name? A. Yes, sir.

Q. The record shows you bought it, Mr. Sheehan? A. I haven't anything to do with the transaction; it was in my name, and he is living there.

Q. Who signed the mortgage? A. I did.

Q. And you had something to do with it? A. That was all.

Q. And you made yourself liable for the purchase money mortgage on that house? A. Yes, sir.

Q. And you are liable on the bond? A. I am.

Q. Can you explain your answer; I do not understand it, that Mr. O'Brien bought it in your name; did he act as your agent? A. No, sir; Mr. O'Brien has been negotiating with the owners of the property — it was a new building — for the purchase of it for some time; and he finally came to me and said he was going to buy this house I think for \$35,000; it may be more.

Q. Thirty-eight thousand dollars? A. Thirty-eight thousand dollars, and he said he wanted to take it in my name; I at first hesitated, and he said he would like to have me do it, and he brought the agent down to me and introduced him to me, and told them what he was about to do, that he was going to keep the deed in my name, and he gave them a note I think for \$5,000, and I may have indorsed it, I am not sure; I may have made the note, I think my name was on it in some way, and he made the note payable at a certain time when the deed was to be delivered; and on the day the note was due the deed was delivered and the note paid by Mr. O'Brien's check.

Q. Of course, that was all the information we could reach by questioning you; since you have been so free in giving us the information of the inside of that purchase why are not you equally as free in letting us derive the information from the bank-books? A. I will give you the information you ask me for.

Q. You would appreciate, Mr. Commissioner, that it would be

much more satisfactory from their own examination? A. For the reasons stated, I won't let you have my bank-books or any other personal accounts.

Q. Do you recognize your refusal to produce these bank-books places you under a ban of suspicion of being a corrupt and dishonest man? A. I am maintaining my rights and principle; I recognize what the refusal meant.

Q. Do you recognize that it means that, that it places you in the position of being a corrupt and dishonest man and afraid to allow your books to be examined? A. I realize no such thing.

Q. Do you recognize that such an inference may be reasonably drawn from your refusal? A. No, sir.

Q. You think that your honesty and cleanhandedness will be recognized and admitted by the people of the city of New York in the face of your refusal to allow your bank books to be examined? A. I am satisfied the people of the city of New York should come to the conclusion that I have stood for a principle that belongs to me and to every man in a similar position.

Q. Was the result, or has the result of the examination of Mr. McClave's bank-books in any way influenced you in your present refusal? A. Not the slightest; I would have taken that position at any time you put me on the witness-stand.

Q. Haven't you stated, at the time of Mr. McClave's examination, that he was a fool for submitting his bank-books to this committee? A. No, sir; not that I know of.

Q. Will you swear you did not? A. I am swearing now.

Q. When I say that, I recognize you are swearing, Mr. Sheehan, and it is simply a form of interrogation; will you swear now you did not, during Mr. McClave's examination, during those days when his examination was pending, say he was a fool for submitting his bank-books to the committee? A. No, sir; I may have said he ought to have stood on his rights and not delivered his bank-books.

Q. You have consulted your counsel right along on this subject? A. I have not.

Q. When Mr. McClave was being examined? A. That was the position I took, certainly.

Q. You took the position then, and you take that position



after you learned of the results of Mr. McClave's examination?

A. No, sir; I would have taken it prior to that.

Q. Do you remember expressing any opinion of the item of \$3,333.33 being made public in the newspapers; do you remember making or giving an expression of opinion about that item?

A. I don't know as I did; I may have said something.

Q. Did you not say that a man who had such an item in his bank-books was a fool for permitting his bank-books containing such an item to come before this committee and the public?

A. No, sir.

Q. You swear now you did not? A. Certainly.

Q. Or words to that effect? A. I may have said something about the evidence; I don't know what it is now.

Q. I call your attention to that particular item; did you not say at that time that a man who had a bank-book with such an item as that in it was a fool to ever submit such bank-book to the committee's examination? A. No, sir.

Q. Or anything like it? A. No, sir.

Q. Did you refer to that item? A. I don't know as I did in particular; I don't know; I will say I did not; I did not know it until I saw it in the papers some days afterward.

Q. I am limiting myself to the exact time it appeared in the newspapers; I said about that time when it was first called to your attention? A. I never made any such remark.

Q. Do you remember a remark about the \$3,333.33? A. I may have said something.

Q. Did you not say that it looked so suspicious, that McClave was a fool to submit his bank-book to this committee? A. I never said any such thing.

Q. Or anything in substance? A. Or anything like it.

Q. Are there any entries in that bank-book that you are afraid to let this committee see? A. No, sir.

Q. Then why don't you let them see it? A. For the reasons I stated; I do not propose to do it.

By Senator O'Connor :

Q. Right in that connection, Mr. Sheehan, what was this property that O'Brien bought? A. It was deeded back to Mr. O'Brien, or some friend of his, I believe.

Q. You have no interest in it at all? A. Not the slightest.

Q. Did you receive any consideration for it at the time you deeded it to O'Brien with this other party? A. One dollar.

Q. You never got anything out of it? A. None whatever; Mr. O'Brien lives there with his family; he bought it.

Q. Is Mr. O'Brien a relative of yours? A. Mrs. O'Brien is a niece of my wife's.

Q. Then you are merely a formal party in that transaction? A. That is all.

By Mr. Goff :

Q. The consideration expressed in the deed of that house was one dollar? A. Yes, sir, I believe it was in the original deed, in the deed to me, I think.

Q. That is what I say, the deed to you? A. Yes.

Q. You hold the title yet? A. No, sir.

Q. Have you conveyed it? A. Yes, sir.

Q. To whom? A. To Mr. O'Brien, I believe it was.

Q. And the title is in Mr. O'Brien to-day? A. I believe so; I gave him a deed of it; I am not sure now; I am not sure whether I gave it to him or somebody else for him; I called his attention to it one day and said "I don't want this property in my name any more and you had better take it in your own name."

Q. Such deed has not been recorded? A. I don't know whether it has or not; I gave it to him.

Q. Gave it to him since this committee commenced its investigation? A. Some months ago; yes, sir.

Q. You did not want it to come out before this committee that you were the owner of this house? A. I told Mr. O'Brien the committee would want to know what property I had, and it would appear that this was my property when it was not.

Q. But, Mr. Sheehan, will you explain to us how it was when the mortgage of this property devolved upon you, a responsibility or an indebtedness in the sum of \$33,000, why you assumed such indebtedness, since the purchase was of no benefit to you? A. Not the slightest benefit to me; Mr. O'Brien is my business partner.

Q. You recognized when you signed that bond that you became personally liable for the sum of \$33,000 to the holders of the bond? A. I recognized if he did not pay it I would have to.

Q. You would have to pay it in the first instance; his name was not on the bond? A. Certainly; I presumed he would pay it himself; he is well able to; I will retract that; I say he is in a position to pay it, and undoubtedly will pay that mortgage off.

Q. Since he is in a position to pay that what purpose was there in your taking the title in your name; why didn't Mr. O'Brien take it in his name, since he was the real purchaser? A. He had some reasons why he did not want that in his name at the time.

Q. Were you not curious to find out the reasons why you assumed the responsibility of \$33,000? A. I was not.

Q. Simply he requested you to take the property in your name? A. Yes, sir.

Q. But, how was it, Mr. Sheehan that if you did not in fact own this property in Eighty-first street that you subsequently, a considerable time after, mortgaged that property to the American Surety Company yourself? A. The title was in me at that time.

Q. If you did not own it didn't you recognize you committed a fraud on the American Surety Company in mortgaging a property that you had no real interest in? A. The title was in me, Mr. Goff.

Q. You have sworn you were simply a figurehead? A. That is all.

Q. And that the real property—the real ownership of the property vested in Mr. O'Brien? A. Nobody else could mortgage it but me; the title was in me; Mr. O'Brien was there when the mortgage was made out.

Q. You turned around subsequent to that and you mortgaged that property to the American Surety Company; you recognized the fact that you committed a fraud upon the American Surety Company when you executed a mortgage upon property you now swear you never, in reality, owned? A. I committed no fraud whatever; I made a mortgage on the property in which the title was in me, and I held, was collateral security for the bond.

Senator O'Connor.—How is it a fraud when a man has a legal title, holding it for the third party, and with the consent of the third party he mortgages it; where does the fraud come in?

Mr. Goff.—You know such a man can not hold a property

for the benefit of a third party, and that such a trust, if you would call it that, is wholly illegal, and Mr. Sheehan is the owner of that property.

Senator O'Connor.—A man, of course, could violate that trust by taking advantage of the situation; but in law he could not place any defense that he was not the owner of the property. The American Surety Company had a perfectly valid security after they got a mortgage from the person who held the legal title.

Mr. Goff.—That is true; he could not make a defense that he was not the owner; but if he could not make a defense in law that he was not the owner, how is it he is making a statement here that he is not the owner.

Senator O'Connor.—He says the mortgage was with the consent of the person for whom he was holding the property.

Mr. Goff.—There is no record of that.

The Witness.—Mr. O'Brien and I were there together at the time.

Q. That does not appear, commissioner, in any way; the mortgage was collateral security for a bond that was executed on contract work in which Mr. O'Brien and you were interested; they went your surety over on Long Island City contracts? A. Yes, sir.

Q. And in order to justify them going their surety they required you to execute a mortgage on two houses, one in Twenty-third street and the other one in Eighty-first street? A. Yes, sir; they had to get a bond of \$80,000 to guarantee the faithful performance of our work; and they, in order to do that, required from us a mortgage on some property as security for themselves.

Chairman Lexow.—It is about time to take a recess, Mr. Goff; are you going to make any request with reference to the refusal of the witness to produce books.

Mr. Goff.—Are you going to make any request with reference to the refusal of the witness to produce books.

Mr. Goff.—Oh, yes; I thank you for the suggestion; in order that we have the record right I wish to follow it up.

Q. Mr. Sheehan, have you any objection to placing upon the record your admission of service of a subpoena duces tecum? A. I admitted that last night.

Q. Wait awhile; that is already in;—your admission of the service of a subpoena duces tecum to produce all your bank-

books, and stub books, checks and return vouchers; I simply want to know? A. No objection to the subpoena.

Q. No objection to admitting service of such a subpoena served upon you? A. I admit service.

By Senator Pound:

Q. And that you had reasonable notice? A. Yes, sir.

By Mr. Goff:

Q. Now to complete the record, I ask you, Mr. Sheehan, to produce during the period of time called for by the subpoena, that is, during your period of service as a police commissioner, all your check books, and stubs of checks already used, and your return vouchers from the book of checks that you have already used, called for by the subpoena, which you admit was duly served; I ask you to produce those? A. For the same reasons I have already put on record here I decline.

Chairman Lexow.—The committee directs the witness to produce the papers called for by counsel.

By Mr. Goff:

Q. Do you refuse to obey the direction of the committee? A. For the reasons I have stated, and which is on record, I do.

Chairman Lexow.—We direct counsel, after procuring an extract from these minutes, to present the matter through the channel of the district attorney to the grand jury.

Senator O'Connor.—That will give an opportunity to bring the question right up.

Chairman Lexow.—The committee will stand adjourned until half-past 2 o'clock.

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## AFTERNOON SESSION.

October 31, 1894.

Present, Senators and counsel as before.

John C. Sheehan, resumed the stand.

By Mr. Goff:

Q. Mr. Sheehan, you have, of course, exercised a great deal of care in the letting of contracts for work belonging to the department? A. Yes, sir.

Q. You are the chairman of the committee on supplies? A. I am.

Q. Do you know if the clerk has brought down the estimates; have you got them there, Mr. Sheehan? A. I presume they are here; I do not really know what you want unless it is this; this shows the entire work for the department, of January, 1894.

Q. I mean the estimate of the various bidders for contracts for the furnishing of the department; haven't you a clerk who takes charge of estimates put in by bidders? A. Yes; that is the clerk of the board of supplies; I believe it is called.

Q. That is the clerk I mean? A. What do you want; bids and such as that.

Q. Yes? A. I do not believe there were any way; there were small items; where they were large ones there were bids; I can have them bring down all those papers.

Q. Now, right on that, I want to ask you a question touching the construction of these election booths here in New York by the Buffalo Steel House Company; I think that is the name of the corporation? A. Yes, sir.

Q. Do you know who the officers of that corporation are? A. I do not; that matter was handled entirely by Commissioner Murray, who was the chairman of the committee on elections.

Q. You had nothing to do with that? A. After the board had passed—that board of the committee on elections—directing that those booths be secured, the matter was then referred to me for the purpose of drawing a contract referring to the time to run; the board in the meantime had estimated and acted on the report of the committee on elections.

Q. Had this Buffalo Steel House Company ever supplied the department before? A. I do not know as I ever heard of them at all; Commissioner Murray recommended their booths to be accepted; I might say a few days before that Commissioner Murray said he would like to have me go and visit a booth that had been put up down stairs in the area of the headquarters.

Q. Did you draw a contract; you say the matter was handed to you for the purpose of handwriting the contract; did you draw a contract? A. The matter was referred to the committee on supplies after the board had decided to accept this particular kind of booth and it was referred to the committee on supplies to see they were delivered, and a contract was prepared.

Q. There was a contract between the board and this Buffalo Steel Company? A. That was sent to them; I do not know whether it has been returned to the clerk or not; I dictated the contract.

Q. Are you aware, Mr. Commissioner, that whenever as the employment of labor is concerned, and the compensation of labor and the hours of labor, that that company is violating the laws of this State? A. I do not know anything about it.

Q. Do you know it was your duty in drawing that contract to so word your contract in compliance with the law of this State that the company should not work their men beyond a certain number of hours or pay them below a certain rate of wages? A. Do I know?

Q. You know that is the law of this State? A. I know there is a law.

Q. And it is your duty to draw your contract to that effect? A. I simply carried out the directions given to me by the police board.

Q. You were directed to draw a contract? A. And it was simply a contract providing for the delivery of 20 booths in New York.

Q. I am simply directing your attention to the oversight, that this Buffalo Steel Company has performed the work of this corporation, and is performing it in violation of the law of the State; has such matter been called to your attention? A. It was all performed; the booths are here and in there place; the work is finished; there are only 20 of them.

Q. Has such matter been brought to your attention? A. By some communication or other, attention was brought to the board to some such fact as you are stating.

Q. You did receive a communication from the building trade section of the Central Labor Union? A. I believe so; I don't know whether that is the one; there was some communication received by the board.

Q. And the communication which the board of police received from this building trade section pointed out in detail where the law was being violated in the course of the construction of the election booths by the Buffalo Steel Company? A. It said something about it.

Q. And the board took no action upon it? A. Not that I know; at the time, I believed that report was received, although the booths were finished; what is the date of it?

Q. I know; but I have here the communication of your board: "Police department of the city of New York. New York, October 11, 1894. To the secretary of the building trade section, Central Labor Union. Dear Sir: At the meeting of the board of police held this day, your communication of the 10th inst., calling attention to the alleged violations of law in the construction of labor upon polling booths by the Buffalo Steel House Company was placed on file. Very respectfully, William H. Kipp, Chief Clerk." Now that is all the notice the police board gave to a communication calling their attention to a violation of law upon work given out by contract by the police board? A. At the time that communication came in, my understanding is that the booths were finished and practically delivered in New York, and the discussion in the board was to the effect that we had nothing to do with the labor they employed.

Q. You had nothing to do? A. No, sir.

Q. Let me read for you the section of that law? A. I know the section you refer to.

Q. If you know the section I refer to, it was your duty to see you had something to do with it? A. That matter was arranged by the committee on elections and had all to do with it.

Q. Do you say you had nothing to do with it, and you know the law? A. I know the section of that law.

Q. The section of that law imposes it as a duty that that violation of law should not have been allowed to take place by you? A. We didn't know there was any violation of law.

Q. You didn't take any pains or measures to prevent a violation of law in your contract? A. When our attention was called to it, we found the booths were completed; I said there were 20 of them; I think there was only 16; the price was \$375 each.

Q. For instance there is one section of the law which says: "In all such employment none but citizens of the United States shall be employed by the city or any municipal corporation thereof, or by persons contracting with the city or municipal corporation thereof, and every contract hereafter made by the city or by any municipal corporation for the performance of public works, must require a conformance with the requirements of this section." A. I know that section.

Q. It just occurs to me, commissioner; I notice that in to-day's papers, report is made of the language used by a police justice



of this city, upon the bench, and I think it would be but proper to give you, a police commissioner, an opportunity of saying something in reference to this language; Police Justice Hogan, says: "I do not understand what has come into the police force of late. Robberies are being reported in all parts of the city. Men are given knock-out drops and robbed in broad daylight, while the entire police force seems to be detailed to interfere with citizens who are doing nothing out of the way unless they are trying to arrest saloon-keepers who are not breaking the law in any way;" is there any reason so far as you know for that magistrate to express himself in that way? A. I am not here to criticise the language of the judge.

Q. I asked about the condition of the department? A. The condition of the department is excellent, so far as I know.

Q. Notwithstanding this judicial utterance? A. We have read a great many stories of late about knock-out drops and such as that; but why it can be charged to the police I cannot say.

Q. That is what the police magistrate says; he must necessarily have a great deal of experience in this line; you say, notwithstanding this utterance from the bench, that the police force is all right? A. I am saying nothing about this utterance at all; I say, so far as I know, the condition of the police force is excellent.

Q. So far as your testimony goes, you know very little about the police department in your answers here; you have not been able to throw much light upon the matter? A. You may think so; I have got an opinion that I know considerable about the department.

Q. You have, of course, exercised a great deal of care in the appointment of men to the force? A. Such care as I could.

Q. As you could? A. Yes, sir.

Q. And so far as you know, you never recommended any man for appointment who was unfit either physically or morally for appointment to the police force? A. Not at the time I made the recommendation.

Q. I am speaking of that time? A. No; not at the time.

Q. You never knowingly made a recommendation of a man or allowed an appointment to be made of a man you had reason to believe had a bad record, or had a dishonest record, or had been guilty of other offenses? A. I never made any recom-

mendation, unless I knew nothing against the man; after recommending some man I had reason to move a reconsideration of the action of the board.

Q. Because some information went to you that you were not satisfied of the qualifications? A. Yes, sir.

Q. Of the applicant? A. Some reason or other; I didn't have at the time I made the recommendation.

Q. You recognized this fact, I presume, that there should be appointed to the police force of this city no man who has been guilty of a crime for instance? A. I Certainly recognized that fact.

Q. Have you any means of telling me now how many men you have recommended to appointment on the police force? A. I have not; I have a book here which shows all that.

Q. Can you get it handily for me; is this book called the private appointment book (the book having been produced by witness)? A. I do not know what you call it; this is a memorandum book kept by my clerk or secretary; it is publicly on his desk at all times.

Q. Is there any book regarding the appointments kept by you, but the one you now produce? A. That is the only one.

Q. Do you keep any private memoranda? A. I don't know; the whole matter is kept by the secretary; I hardly ever look at the book.

Q. Do you keep any book by which you can tell at whose request the policemen have been appointed? A. This book gives the names of some of them.

Q. Will you let me look at that memorandum book, Mr. Commissioner? A. Yes, sir. (Book handed to Mr. Goff.)

Q. Does this cover the whole of your period of time? A. No; that is — I haven't had those books in my hands for three or four months until this morning; here is a continuation of that (producing another book.)

Q. I find one entry here Mr. Sheehan, I cannot pass by without asking the cause of this note in parenthesis. "In the case of Thomas Riordan, 460 West Twenty-fifth street, who has been recommended by the Columbia Chowder club, June 13th, and passed July 5th;" and the parenthesis, "He was appointed on February 23d, 1894," and the parenthetical note says, "Large well-built man." Has the size and the build of a man anything

to do with his membership of the Columbia Chowder club? A. That note was made by my secretary.

Q. Is there any connection between the two? A. Nothing whatever; only he is a large, well-formed man, and that club that recommended him consists of about one hundred members.

Q. I find here a man by the name of Sullivan—Miles V. Sullivan, 11 Jane street, passed; recommended by Miss Mary C. Sullivan, 58 west Fourteenth street, and the name of Gilroy; what does that mean? A. That man has not been appointed.

Q. Then these marks here — A. That is the first application.

Q. And the marks in this column shows the appointment? A. And when he applied for application papers he brought a letter from some woman of that kind, and also, I believe, from the mayor!

Q. This is amemorandum showing that fact? A. Yes, sir.

Q. By the way, I see the name of C. C. Baldwin here; why that is one of the men you wanted to sell a decision of the Court of Appeals to, isn't it? A. No, sir.

Q. Christopher C. Baldwin, who is now an officer of this board? A. I know him.

Q. Didn't you offer to sell him a decision of the Court of Appeals? A. I never did!

Q. Did you ever hear it before? A. I have heard of such stuff!

Q. Didn't you read Mr. Baldwin's public utterances in which he said you had been to see him? A. I never heard in words that he said I wanted to sell him anything.

Q. You went to him? A. Yes, sir.

Q. What did you go and talk to him about? A. I talked with him about the matter I went to see him on.

Q. About the Court of Appeals decision touching the Sugar Trust? A. No; I said my opinion was from all that had been said in reference to it, that I thought that decision would be affirmed.

Q. What did you go to Baldwin for? A. I went and talked to him about the matter.

Q. What did you go to Cord Meyer for? A. I didn't go to Cord Meyer!

Q. Didn't you have a conversation with Cord Meyer on the same subject? A. I met him in the same place.

Q. What did you go to Dowd for? A. I talked to Dowd on

the same subject; I asked for information whether it would be a good time to buy that stock.

Q. What did you go to Searles for? A. I did not go to Searles.

Q. Did you go to Searles? A. No, sir.

Q. Did you see Havemeyer? A. No, sir.

Q. That is the only man you saw? A. Yes; Mr. Meyer asked me to accompany him to some place to see the parties, and I didn't see them.

Q. What interest had you in the Sugar Trust decision case, pending in the Court of Appeals? A. If I thought the decision was going in any particular way to affect the stock, I would be willing to buy the stock, to buy or sell; the decision would have some effect on the stock one way or the other.

Q. The New York Times called you a huckster of decisions, and it said that you, John C. Sheehan, secretary of the aqueduct commission appears in the new and scandalous role of a peddler in Wall street, concerning the nature of the Court of Appeals decision on the Sugar Trust; that Mr. Sheehan whose sphere of usefulness is widely removed from the Court of Appeals was able to go down to Wall street, and offer to sell information as to the nature of a Court of Appeals decision several days in advance of that decision; it would be a remarkable fact under the circumstances, but it is especially remarkable when it is taken in consideration with his relations; Mr. Sheehan has a pull as his possession of this particular piece of particularly valuable information conclusively proves; now, Mr. Dowd, president of the Bank of North America says: "Mr. Sheehan came here and said that he had some information about sugar, out of which money could be made. I did not learn the nature of his information, because I cut him short by telling him that sugar was entirely out of my line of business, and that I would not, under any circumstances, have anything to do with it on his information;" Mr. Baldwin, said: "Mr. Sheehan came in one day last week, Thursday, or Friday, and said he had some information about the Sugar Trust decision; I told him that I paid no attention whatever to sugar, and therefore, it was useless for him to talk to me; but I would introduce him to Mr. Cord Meyer, Junior, who looked after the sugar interests of our house. I introduced him to Mr. Meyer, but I don't know what passed between them;" Mr. Meyer, says, what actually took place between himself and Mr. Sheehan; he says, "Mr. Sheehan said

he knew what the Court of Appeals decision on the Sugar Trust would be or something to that effect, and that money could be made out of it. But I would have nothing to do with Mr. Sheehan, because I didn't like him, and therefore, I did not go into the particulars of his proposition;" Is Mr. Meyer correct when he says that you offered to sell this information to him, Mr. Sheehan? A. He is not correct.

Q. Did you ever deny it in public? A. I did.

Q. Where? A. In some newspaper.

Q. What newspaper? A. I don't recollect; in all of them, I believe.

Q. Did you ever see it in print? A. I did.

Q. Will you name a newspaper? A. I can not now.

Q. Did you ever write a letter to Mr. Cord Meyer? A. I did not.

Q. Or to Mr. Baldwin? A. I did not; the matter was fully explained in the papers at that time, and my position was made thoroughly clear.

Q. You are reported and charged by this gentleman to have said that you knew what the Court of Appeals decision was going to be?? A. I never made any such statement.

Q. And they lied about it? A. I don't say they lied.

Q. Did they tell the truth? A. I answered that at once in the newspapers, for it came out.

Q. But you didn't answer these gentlemen; did you call upon those gentlemen to know whether or not the interviews had with them, as read by me in the newspaper, were correct or incorrect? A. Yes, sir; I called upon Mr. Baldwin and he practically — well, I won't say denied it — but he said some reporter came there and said something to him, and I passed him off with a wave of the hand and said yes.

Q. You were then a public official of the city? A. Yes, sir; I was connected with Mr. Baldwin at the time, I believe.

Q. In what direction? A. If my judgment was correct, he was an aqueduct commissioner, and I was secretary to the aqueduct commissioner.

Q. Was Mr. Baldwin aqueduct commissioner at that time? A. He may not have been; I am not sure.

Q. As matter of fact, he was not; his final connection had ceased before that time? A. I had been connected with him a long time prior to that time.

Q. Mr. Havemeyer said you offered to sell him the information? A. I never saw Mr. Havemeyer.

Q. You never had an action for libel against this newspaper, "The Times," for printing this article? A. I did not.

Q. By you? A. No, sir.

Q. When it called you a huckster of decisions, you never took any pains or methods to have it retract that statement? A. I did not.

Q. Neither did you ever take an action for libel against the Times when the Times accused you of being a grand larceny thief from Buffalo? A. I have not; I have never sued the Times; I have got a year left, I think.

Q. And you have lain under public accusation all these times, commissioner, made by a responsible paper of this city? A. I will defend myself in the right way and at the right time.

Q. Was it because the accusation was true? A. It was false.

Q. You had committed grand larceny in Buffalo? A. What do you mean.

Q. I mean grand larceny, just as I said? A. I had committed no such thing.

Q. Didn't you use and appropriate the moneys committed to your care for public uses? A. Well, now, since you have got into that I will tell you.

Q. I got into it accidentally? A. I will tell you the whole thing of that.

Q. Answer my question? A. I am going to answer your question.

Q. Oh, no. A. I am going to tell the whole thing and that will dispose of it.

Q. Yes, I will give you an opportunity to tell it; you were a comptroller of the city of Buffalo? A. I was.

Q. And when you left the office you were a defaulter? A. Not to my knowledge, I wasn't.

Q. You put it in writing you were, didn't you? Didn't you put it in writing you were a defaulter? A. I did not; no such thing.

Q. Did you put anything in writing in connection with the money you misappropriated as comptroller of the city of Buffalo? A. I think I put something in writing to this effect, requesting the mayor to have an examination made at once by some competent person to find what the condition of facts were; and if there was anything chargeable to my office, I wanted to

pay it; the result of the examination showed that there was some shortage there; some chargeable prior to my time, I believe, and some to my time, and I at once made good the amount that was to be charged to my term of office.

Q. That is your bondsmen made it good? A. I made it good, myself.

Q. To the amount of \$6,000? A. No, sir; I went and gave my notes to the Buffalo bank, and on those notes I raised the money, and I believe I had some money in the bank, and I believe my bondsmen endorsed one or two of the notes.

Q. When were you elected comptroller of Buffalo? A. I guess first in the fall of 1877 or 1878; I don't know the fall of which.

Q. And you left on the 31st of December; your office expired on the 31st of December, 1881? A. I was elected twice; and during that term —

Q. The last time? A. And during that time I handled \$12,000,000 of money.

Q. You may have handled twelve hundred millions, Mr. Sheehan; is that your handwriting; (showing witness paper) just this first (indicating)? A. Yes, sir.

Q. That is your handwriting? A. It looks like it; I believe it is.

Q. Well, this paper reads, "Coupon account, Buffalo, January 3d, 1882. Received of John C. Sheehan."

Mr. Louis Grant.—Mr. Goff, by request of Lieutenant-Governor Sheehan, and on behalf of the witness, I respectfully ask that this line of examination be excluded by this committee, on the ground that it has absolutely nothing to do with this committee or the resolution by which this committee was sent here by the Senate, to inquire into police corruption in the city of New York; and I think this is a time when the committee ought to take the stand, and the chairman ought to rule, as to whether it is proper to go into something that took place entirely outside the city of New York, if it ever took place at all.

The Chairman (O'Connor).—There is no use in taking up the time on the discussion, Mr. Grant; we had this question up before, and talked the matter over, and we think it is entirely proper; Mr. Sheehan, however, is going to have the fullest opportunity when Mr. Goff gets through questioning him on this subject, to give his version of it; we think this testimony goes to the matter,

if what they say here, and which they claim by this examination to show, is true, that he has committed crimes alleged here; that will be evidence to substantiate the charge that he has been guilty of similar practices in the position that he is now holding; I think it is due Mr. Sheehan himself that he have the opportunity.

Mr. Goff.—And that on his own testimony he should have been disqualified from an appointment to the police commissionership of this city.

The Chairman.—I don't know about that.

Mr. Goff.—The witness has testified, Mr. Chairman, that no man who had committed a crime should be appointed to the police force in this city.

The Chairman.—When we come to it, we will have it all explained.

Mr. Grant.—If it is upon that ground of simply testing his belief as a witness, I do not object.

Mr. Goff.—We do not put it on that ground.

Senator O'Connor.—We will see that Mr. Sheehan has every opportunity to put himself in the light he thinks he should stand, and you know we have refused to recognize you as counsel here; and please not interrupt any more.

By Mr. Goff:

Q. This paper, Mr. Sheehan, that you have identified, is in your handwriting? A. I say I believe it is; it looks like it.

The Chairman.—If you will just answer Mr. Goff's question, when he gets through examining you on that subject, you will be permitted to make your own explanation, in your own way, of the transaction.

Q. This paper reads: "Buffalo, January 3d, 1882. Received of John C. Sheehan, late comptroller, on account of coupon account, \$79,709.60; on account of coupon account, \$2,500; total, \$82,209.60; trust fund account, \$4,190.24; received on account of trust fund, \$500;" now the preceding figures, that is the \$82,209.60, I have no purpose to question you concerning these figures, but that portion of the statement which says "trust fund account, \$4,190.24; received on account of trust fund, \$500;" will you explain that; I don't understand that? A. Yes, sir; the trust fund at that time amounted



to about four thousand dollars or something; I do not recollect the amount,

Q. Four thousand, one hundred and ninety dollars and twenty-four cents it is here. A. The trust fund and interest account had all been mixed up and deposited under one account; it was all mixed up and deposited under one account and naturally:—

Q. Go on Mr. Sheehan. A. And until such time as I knew the exact condition of the books I wanted my successor to be in a condition to be able to pay any drafts that would come on this trust fund; the usual draft would be about fifteen dollars, probably once a month or probably once in two months.

Q. Any further explanation? A. This trust fund was really not a city fund, but it was in some respects, and it was created in this way: where a party would come in to redeem an old bank tax, he would be required to leave with the comptroller \$15; I think it covered any expense that a person would be put to that had bought that property at tax sale and he was supposed to leave that \$15 in the comptroller's hands, I believe for a year or two years, I do not recollect the time, and this money in his hands was money that had never been called for and had been in the hands of the comptroller for a good many years, and the parties who paid \$15 never came back for it.

Q. The trust fund consisted of public moneys? A. It was—no, it belonged to outsiders.

Q. It was placed in the hands of the comptroller as a trustee for these people? A. For these people, yes, sir.

Q. And this is what was called the tax scrip? A. No.

Q. Wasn't it? A. Yes; it was on the redemption of the taxes; when you came in to redeem an old tax sale in addition to paying the taxes you paid \$15 extra.

Q. And that money was, both in contemplation of law and fact, supposed to be in the comptroller's hands at all times when it should be called for? A. When anybody called for it.

Q. And when the terms of the comptroller's office expired, he in duty was bound to transmit to his successor from the trust funds that one then in his possession? A. But it was supposed at that time that I—

Q. Answer my question? A. Certainly; he had to turn it over.

Q. Now, it appeared by this, when your term of office expired, you failed to hand over to your successor this trust fund which

you had had in your keeping as comptroller of the city of Buffalo? A. Because I believe it was mixed up with the coupon account.

Q. Did you? A. No, I did not.

Q. What does this mean? A. The balance of it I considered was mixed up in the coupon account.

Q. Why didn't you say so in your account here; you did not say so in your account; this account, Mr. Commissioner, was sent to the new comptroller, wasn't it? A. No, sir.

Q. To whom was it sent? A. I don't know.

Q. Have you no idea concerning it? A. No.

Q. Well, there is a duplicate of the same paper; now does that refresh your mind? A. That is the same paper, isn't it.

Q. Yes; that is a duplicate; is that an aid to your memory? A. That has the same explanation.

Q. To whom were these duplicates sent, and for what purpose? A. I suppose I gave one of them to — I do not know; I remember the situation was at that time I did not know the condition of the trust fund, and the trust fund and coupon account were mixed up under one account, and I believe the balance of the trust fund was mixed up in the coupon account at the time we straightened it out.

Q. There is no mention whatever, upon this statement of yours, in your own handwriting, of a mixture of the trust fund with the coupon account; the coupon account is plainly and distinctly set forth as \$82,209.60; and the trust fund \$4,190.24 is the account that you didn't hand over to your successor? A. The book itself shows that the trust fund was so much, and the attention of my successor was called to the fact that here was a trust fund and here was the amount of it; no, there is \$500 to apply on that trust fund, and the balance is undoubtedly in the coupon account.

Q. Wasn't this paper I have given to you sent to your successor for the purpose of his signing it as a receipt to be returned to you, to show you had delivered this money over to him for \$82,209.60? A. No, sir.

Q. What was it? A. It was a memorandum showing what the condition of those funds were; he may have receipted for that amount.

Q. Is that your handwriting and you tell without reading the instrument? A. It looks like it; yes, sir.

Q. I will read this: "Tim." Who was Tim? A. That was my successor.

Q. "Tim: I inclose herein duplicate receipts;" now, are not those the receipts you referred to when you said, "duplicate receipts"? A. I would not say.

Q. Would you swear they were not? A. I don't know anything about it.

Q. What receipts did you inclose? A. There may have been others, or they may be those; I am not sure; I showed them the receipts would be made up by my bookkeeper.

Q. Don't let us depart from that; here is your memorandum, which says. "Tim: I inclose herein, duplicate receipts for you to sign," now, were not those the duplicate receipts that you inclosed him to sign? A. I don't know; they may have been.

Q. "You can hand one of them inclosed in an envelope to Will;" who was Will? A. I presume I referred to my brother.

Q. The present Lieutenant-Governor? A. Yes, sir.

Q. And it was he that carried this message to your successor? A. I do not think he ever carried a message to him.

Q. He delivered the papers? A. I do not think he did.

Q. Have you any idea who delivered this paper? A. I do not, no, sir; I do not think he ever delivered it.

Q. You referred to him anyway, that "You can hand one of them inclosed in an envelope to Will for me; he will not know what it is for. Keep this where it will not be seen. You better keep coupon account all together, and deposit trust money in another bank;" now, when you say to your successor, "Keep this" that is the duplicate, "Where it will not be seen," what motive had you in asking a public official to keep a paper that you sent him, purporting to be an account of your official transactions from being seen? A. No object in it at all, and that paper explains the very thing I said here; I request him to keep his coupon account separate from his trust fund and in a short time it would work itself out and know how the situation was.

Q. How could you keep his coupon account separate from his trust fund when you did not give him any trust fund to keep? A. The money belonging to the trust fund I supposed was mixed up with the coupon money.

Q. You can not get away from this, that you say, you handed

over to him eighty-two thousand and some odd dollars? A. Yes, sir; and in that was a lot of trust fund money.

Q. There is no mention of that? A. No; there is not.

Q. You say, in addition to that, there is a trust fund account of \$4,190.24, and you asked your successor to keep this statement from being seen, and to deposit the trust fund account in another bank; now, I ask you how he could deposit this sum of \$4,190.24 in another bank when you did not hand it over to him? A. He could deposit such sums as he had, and such sums as came in and in time, the coupon account would show whether there was any sum of money that did not belong there.

Q. You, by your writing here, commissioner, said to this gentleman, your successor in office, here is a trust fund account of \$4,190.24; you are chargeable with that; you were chargeable with that account; you hand him a statement of your responsibility; how can he make a deposit of that when you did not hand it to him? A. He could deposit such amount as he got, and such amounts as came in afterward to the credit of that fund to the coupon account; it would take but a short time to work itself out, and see whether it did not belong to the coupon account.

Q. By what process of working out; can you describe to us how the coupon account, that was a separate and distinct thing, amounting to \$82,292.60, would work itself out, to show it contained an additional account, called a trust fund, for \$4,190.24? A. Very easily.

Q. Now, Mr. Sheehan, did you ever pay that sum of \$4,190.24? A. After the examination was concluded it was found that there was a shortage in the general accounts of the office; during my term of office — there was some prior to that time, and the fact was when I went in there, the entire coupon account and the accounts of the office were disarranged, and had been said to be so for some time; but the result of the examination showed that \$5,800 was chargeable to my term of office, and during my administration, and when I was made aware of the amount that was chargeable to me it was made good.

Q. How long after you left office did you make good the sum that you acknowledge by this duplicate that you owed to the trust fund? A. I think it was the following fall, after the examination was concluded; the examination was going on for a long time; some months.

Q. You admit, Mr. Sheehan, at the time you left the office,

in your own handwriting, you was chargeable with \$4,190.24 to the trust fund? A. Yes; we agree upon that.

Q. What was your salary in the city of Buffalo? A. I think it was \$2,500; it may have been \$3,000.

Q. Did you have any perquisites in addition to the \$2,500? A. No.

Q. The legal perquisites? A. There were occasionally some.

Q. I mean perquisites by law? A. No.

Q. According to the law your salary was \$2,500? A. That was the salary; or \$3,000.

By Senator Bradley:

Q. Two thousand five hundred or \$3,000; it is very strange a man don't know how much salary he drew? A. I think it was \$2,500; it was three years ago.

By Mr. Goff:

Q. For the purpose of our inquiry, it is immaterial how much it was; you were paid your salary by the paymaster of the city the same as all other employes? A. Yes, sir.

Q. And you received that payment by warrant? A. Yes, sir.

Q. That was all the money represented by each warrant that you were entitled to receive from the city of Buffalo? A. All that I — certainly.

Q. All that you were entitled to? A. Yes.

Q. Or all the moneys that you were entitled to use, were those moneys represented by the warrant for your salary? A. No; the trust fund was at the disposal of the comptroller at any time.

Q. You mean to say the trust fund was at the disposal of the comptroller for his private purposes? A. No, sir.

Q. What purposes were the trust funds at the disposal of the comptroller for? A. Why, to pay any person who came in for the \$15.

Q. For the purposes of the trust? A. Yes, sir; and most of the time that fund was kept in the safe there; or that money, rather.

Q. Outside of the purposes of that trust, the comptroller had no right or authority to use that trust fund? No, sir.

Q. Then how is it that you used \$4,190.24 for purposes out-

side of the trust? A. I told you the balance of the money, was mixed up in the coupon account.

Q. How did you come to mix up \$4,000 of the trust fund in a coupon account? A. Why, you could deposit in one bank \$50,000, and that would be your coupon account, and you can deposit with it \$4,000, and you would have \$54,000.

Q. And you say this money was most of the time kept in the safe? A. Sometimes it was; I believe after I first went in the office it was for some time.

Q. You evidently kept your accounts so clear that you could separate the coupon account from the trust fund account, when you left the office, to a cent? A. The books will show.

Q. I am taking your own statement, Mr. Sheehan, and your own statement says that at the time you left the office, that you had appropriated \$4,190.24 of public funds of the city of Buffalo? A. It don't show any such thing.

Q. What had you done with it; where was it? A. I told you it was mixed up with the coupon account.

Q. Why didn't you so state it was mixed up? A. I stated the amount was four thousand dollars and something.

Q. Precisely, but you do not say anything about that in the coupon account; several times it has been stated to you here that that account is very clearly and distinctly set out by this? A. Forty-one hundred dollars, I think it was, in the \$82,000 coupon account.

Q. Now, there is no connection in your statement whatever of the coupon account and the trust fund account on the face of this duplicate? A. Certainly; I gave him the amount of the trust fund and asked him to place to the credit \$500, and the balance I suppose was in the coupon account.

Q. First you turned over to him \$82,209.60, the amount of the coupon account; did you not? A. Coupon, and any additional money that might be in there; of course.

Q. According to this statement, you turned over to him that money? A. Yes, sir.

Q. Eighty-two thousand, two hundred and nine dollars and sixty cents? A. That is right.

Q. That transaction was right? A. That included the coupon money and any additional money that belonged to any other fund.

Q. This other fund of \$4,190.24 you didn't turn over to him?  
A. I did, too; it is included in that account.

Q. Do you mean to say that this \$4,190.24 was included in the \$82,209.60, coupon account? A. I mean to say that I supposed the money—the trust fund and the coupon account was mixed up and so I stated.

Q. There is no statement of that— A. No, it is not in there.

Q. Well now, any public officer in dealing with public funds—do you think it was a proper thing for you to suppose anything?  
A. I had every reason to believe that was the case.

Q. But you were the officer charged with the safe-keeping and responsibility of this money? A. Yes, sir.

Q. Do you mean to say here, Mr. Sheehan, that when you left the office and you gave to your successor a written statement of the moneys you turned over to him and the moneys you did not turn over to him, did you suppose that one fund was mixed up with another? A. I gave him no statement of moneys that was not turned over to him;

Q. You say "trust fund;" that was not turned over? A. I say in addition, the balance was mixed up with the coupon account.

Q. When did you give him \$500 on the account of the \$4,190?  
A. The object was to open a separate account of the kind, and any additional money that would come to that particular bank account he might open, and after a time it would work out, when coupons came in to be paid, and you will then see whether the additional money was in there or not.

Q. You wanted him to start a separate bank account with a deposit of \$500; did you owe him as your successor as comptroller of the city of Buffalo that \$500? A. No, sir.

Q. Did you give it to him? A. I paid over all I had.

Q. Did you owe the city of Buffalo \$500? A. Why no; I paid over to him what I had and all I supposed I had on hand that belonged to the city.

Q. Why did you give your successor \$500, if you did not owe it to the city? A. Mr. Goff, there was the whole amount of money in the bank; now, I said to him, you want to set aside that sum for the purpose of paying any claims that may come in against the trust fund, and the balance you will find is mixed up in the coupon account.

Q. Why did you give him the \$500 in a separate item? A. I gave him all that was there.

Q. Why did you mention \$500 on account of trust fund in a separate item? A. That \$500 and all the rest of it was in one bank in one account.

Q. If it was in one account why did you select it out? A. So that he would open a separate account.

Q. Why didn't you say \$1,000; it would have been a separate account? A. I do not know; I turned over to him all I had.

Q. But if you turned over to him all you had, what became of the balance of \$4,190? A. All the money that belonged to that trust fund as I told you repeatedly, in my judgment, at that time, was mixed up with the coupon account.

Q. How did you determine the sum of \$500 to deposit on that account? A. I might have made it a thousand dollars.

Q. Why did you select the sum of \$500? A. I don't know.

Q. Was it because you had no more money to pay? A. All that money was taken out of the one bank.

Q. Was it because you had not any more money to pay on account of that trust fund? A. That was not my money; that money I was taking out of the bank I had the accounts in, and it was no part of my personal money.

Q. Why didn't you take out the \$4,190? A. Because it was in the coupon account.

Q. Why didn't you so state? A. I don't know why I did not.

Q. Now, if this trust fund was mixed up with the coupon account, as you say, what obligation was upon you to give \$500? A. That \$500—

Q. Toward making it up? A. That \$500 was part of the general moneys deposited to the coupon account.

Q. Where did it come from? A. From the coupon account.

Q. Why didn't you take more out of the coupon account? A. I don't know.

Q. What right had you to take \$500 out of the coupon account? A. Because it was trust fund money.

Q. What right had you to deposit it in the coupon account? A. The comptroller had a right to deposit all the moneys together.

Q. I understand well that the comptroller can put moneys which were derived from divers sources in the same account in the bank? A. Those were the only moneys he had; was the coupon and trust account.

Q. But the comptroller was bound to keep an account of the



different sources of the funds placed at his disposal; how he kept them was his business, but how he returned them was the people's business? A. Yes, sir; the books showed what the amount of the trust fund was; it was \$4,100, I believe.

Q. Do you mean to say that this writing which you put on this paper was taken from the books or not; when you say that the coupon account was \$82,209.60, was that a faithful account of the amount of money in this fund? A. That was the amount of money in the bank to the credit of the city at that time.

Q. To the credit of the city at that time? A. Which included the \$500.

Q. Then with the coupon account to the credit of the city in the bank at that time was \$82,209.60 — A. And the \$500 in addition.

Q. And the \$500 in addition; that would be \$82,709.60 altogether; then what becomes of the difference of the balance of about \$3,000? A. It is all in that account there.

Q. But if that was all the money that was in the bank belonging to the city at that time, there yet remained \$3,600 unaccounted for, according to your own figures? A. I made no such figures.

Q. Here are the figures before you? A. How do you make out \$3,600.

Q. Three thousand, six hundred and ninety dollars added to that \$500 making \$4,190? A. Now, as I told you, all money —

Q. I ask you, commissioner, this question. A. Read the question please.

Q. (Question read by stenographer.) But if that was all the money that was in the bank belonging to the city at that time; there yet remained \$3,600 unaccounted for, according to your own figures? A. There was no such figures.

Q. Then do the figures that you put upon this certificate lie? A. The figures on that certificate showed the whole amount of money; that the interest was in the bank at that time, covering the coupon and trust account.

Q. Well, but we have gone over that ground quite frequently, and you say that all the money that was in the bank belonging to the city of Buffalo, at that time, was the sum of \$82,209.60, together with \$500 which you paid to transfer to him on account of the trust fund; that would make all the money in the treasury

at that time, \$82,709.60; now, I asked you — A. And I had no reason to know, at that time, it did not cover all the amount of the coupon and trust account.

Q. If you had no reason to know it did not cover all the amount, why did you charge yourself with the sum of \$4,190?

A. That was the proper amount of the trust fund, as the books show.

Q. The books show that due the trust fund? A. Due the trust fund.

Q. And the books show the coupon account amounted to \$82,209? A. That showed the whole amount of money in that bank.

Q. You mean to say that the books containing that coupon account were separate from the books containing the trust account? A. What is that?

Q. The books containing the coupon account were separate accounts from the books containing the trust account? A. Certainly; they kept a trust fund account in a different book.

Q. Very well, different accounts; the books containing the coupon accounts showed that that amount was \$82,209.60? A. Yes, sir.

Q. You took those figures from the books? A. Yes, sir.

Q. And the books containing the account of the trust fund show that \$4,190.24 was in that fund? A. That is the amount of the fund, yes.

Q. According to the two books, therefore, we have it that the whole account of moneys that should have been in the bank at that time, can be found by the condition of the coupon account and the trust fund account, which makes, in round figures, \$86,300 and odd; there were only \$86,300; now there was only in the bank \$82,209.60 of the coupon account, and \$500 of the trust account; does it now follow, Mr Sheehan, that the difference between \$500 and \$4,190 had been used and appropriated by you? A. That is \$3,600, you mean.

Q. Yes; \$3,600? A. No, sir.

Q. What became of that \$3,600? A. I suppose it was used in paying coupons.

Q. Paying coupons? A. Yes, sir; paying interest; the money was all in one account.

Q. That was in the bank in one account; it was in one bank? A. Yes, sir.

Q. There were different accounts? A. No, not different accounts; I kept a different account, yes; but all the money was together under one heading.

Q. But they were different book-keeping accounts? A. Yes, sir.

Q. These different book-keeping accounts show — that one account — the coupon — was \$82,209.60; and the other account, the trust fund, was \$4,190.24? A. Yes, sir.

Q. That is so, isn't it? A. Yes, sir.

Q. You did not turn over that amount to your successor? A. I turned over to him all the money I had.

Q. I am not asking you what you have; did you turn over all the money to your successor, called for by these respective accounts, known as the coupon and trust fund account? A. I turned over to him all the money I had in the bank at that time.

Q. You might have stolen \$10,000, commissioner? A. No doubt of it, and turned over the balance of it.

Q. What I want to know is, did you turn over to your successor, the whole of the coupon account, as appearing on the books of that account, and the whole of the trust fund account, as appearing on the books of that account? A. I turned over the whole amount, such as that paper shows.

Q. Did you turn over to him each of those accounts? A. I turned over to him everything you see on that paper.

Q. Did you turn over to him each of those accounts? A. And in that coupon account, where a lot of old coupons that were since paid, that I ought to get credit for; I turned over all of that as set forth in that paper.

Q. Did you turn over to him each of those accounts? A. I turned over every dollar I had on hand at that time.

Q. Did you turn over to your successor each of those accounts? A. That paper shows what I turned over.

Q. Did you turn over to your successor each of those accounts? A. That paper shows what I turned over

By Senator O'Connor:

Q. Did he turn over the accounts as disclosed by the paper? A. Yes, sir.

By Mr. Goff:

Q. That is shown by our preceding answers; I ask you did

you turn over to your successors the amount of each of the accounts as testified to by you? A. I have turned over the amount that is set out in that paper.

Q. The amount is \$86,399.84; the two accounts? A. Yes.

Q. The coupon, \$82,209.60, and the trust fund, \$4,190.24, making a total of \$86,399.84; did you turn over to your successor the amount of \$86,399.84? A. I turned over to him what is on that paper.

Q. Did you turn over to him that amount? A. That is the amount by computation.

By Senator O'Connor:

Q. Is that the amount on the paper; that is what the witness wants to testify; did he turn over the amount mentioned in the paper? A. This is the same as the duplicate.

By Mr. Goff:

Q. Yes; that is the same; did you hand over to your successor that account? A. Just as I said; I handed over to him the amount stated on that paper.

Q. And the amount set out Mr. Sheehan, is \$86,399; that amount is included in the trust fund; the amount set out \$86,399.84, did you hand to your successor in office that amount? A. Now, if that fund was mixed up in the coupon account, would not that account for it?

Q. You are arguing that? A. I turned over, Mr. Goff, the amount set out on that paper.

Q. If your coupon account is correct, you did turn over that amount? A. The amount set out on that paper; that paper purports to be a receipt for a certain amount to be passed to the credit of the coupon account, and a certain amount of the trust fund account.

Q. It appears by the figures here that \$86,399.84— A. Three thousand six hundred dollars is what you are figuring; I suppose that amount was mixed up in the coupon account.

By Senator Cantor:

Q. You did turn over \$3,600 of the trust fund? A. I turned over everything on that paper; I did not turn over any more than specified on that paper.

By Mr. Goff:

Q. That is scarcely the question—the account specified on paper? A. Here is the paper; look at it.

By Senator Pound :

Q. The question is did he turn over to his successor all the money his books called upon him to turn over? A. That was the amount I turned over (indicating item on the paper.)

Q. The book showed the trust fund account to be \$4,190.24? A. Yes, sir, that is all.

Q. And that account you paid there of \$500— A. The balance was in this account.

Q. As shown by that paper? A. Yes; this whole amount was in one account.

By Senator O'Connor :

Q. You mean to say, the \$82,209 included this \$4,190? A. No, this sum (indicating).

Q. Which sum? A. This sum of \$500, and that account just as it is set out included the whole amount of money I had on hand and turned over, and in this account, I presume, was the balance of this \$3,600.

By Senator Pound :

Q. This was made up from the books of your office? A. Yes, sir.

Q. And your coupon account showed \$82,209, which amount you turned over? A. Which amount I turned over.

Q. That is according to your books, as your books showed the trust account to be \$4,190.24? A. Yes, sir.

Q. And of which amount you turned over \$500? A. Yes, and the balance was mixed up in here; this is all the coupon account.

By Senator O'Connor :

Q. Do you claim the balance of the trust fund was mixed up in there? A. Mixed up in the coupon account.

By Mr. Goff :

Q. Why didn't you mention it; mixed up in the coupon

account; why didn't you mention it? A. I don't know why I did not.

Q. Isn't it a matter of fact you had used it; isn't that why you did not mention it? A. No, sir.

Q. You might as well meet that question fairly and squarely; didn't you use that money for your own purposes, and were you not a defaulter to that extent? A. I was not; no, sir.

Q. And you mean to say, that from your explanation here, you can stand before any honest intelligent man of this State, and expect him to believe you? A. Yes, sir.

Q. You do? A. Yes, sir.

Q. And you are equally positive in your statement, that that \$3,690 had not been misused and misappropriated by you as a public official of the city of Buffalo? A. I am equally positive that all the money set out on that paper was paid over by me to my successor, and in the amount I paid over, I suppose was the balance of the trust fund, and when I found out after a proper examination that there was any more money to be charged to me it was made good.

By Senator O'Connor :

Q. Was that a subsequent examination? A. Yes, sir; by an expert appointed by the mayor.

Q. And it developed a larger amount? A. It developed \$4,900, I think.

Q. A greater amount than you thought you was indebted? A. Yes, sir.

Q. What was the name of the accountant — Baxter, or some such name? A. Brooks.

By Senator O'Connor:

Q. Did that shortage occur during your term? A. Four thousand nine hundred dollars was chargeable to me, or during my two terms of office.

Q. How do you mean that the deficiency occurred? A. Well, such a thing as happened, that coupons have been paid more than once, when coupons came in; they are small coupons and pasted in great big books; I know of one case where a batch of paid coupons were paid the second time, and in other cases coupons have never been presented, and I think there are coupons now that have never been presented.

Q. You mean to say that you have never had the benefit or never really appropriated any of this shortage? A. I had no part of it.

Q. Did you handle the funds as comptroller? A. I handed the funds.

Q. Did you use any of the public funds for private purposes? A. No, sir.

Q. What did you use the funds for? A. I can not tell you.

Q. Were they stolen? A. No, sir.

Q. Is that your signature at the bottom of that paper; you can state your signature? A. Yes.

Q. "Buffalo, November 9, 1883." That is nearly two years after; the certificate or duplicate was dated January 3, 1882? A. This is the following fall.

Q. That is nearly two years? A. What is the date of that?

Q. November 9, 1883? A. Yes.

Q. "Received of John C. Sheehan, the sum of \$5,900 to be applied in payment of any deficiency that may be found in his accounts on a private examination. Signed, T. J. Mahoney. Sylvester F. Egan, as witness;" Mr. Egan was on your bond, wasn't he? A. Yes.

Q. In addition to that, there is this writing: "The above receipt is a true copy of the receipt given by me. J. C. Sheehan;" now, we find that the sum increases as time goes on, and that in November, 1883, the sum has increased to \$5,900 to be applied to the payment of any deficiency; to the deficit? A. To anything that ought to be charged to my term of office.

Q. To anything you had yourself, when comptroller? A. To anything that might be chargeable to my term of office.

Q. Anything you had been misusing or misappropriating, you had to be charged with? A. Anything I ought to be charged with.

Q. And you ought to be charged with any money you used that did not belong to you? A. I placed that money in Mr. Egan's hands to be applied to any amount—

Q. To any deficit? A. To any amount charged up to my account.

Q. The whole deficit is here, sir? A. And may be proper; it was to make good any shortage that might be chargeable to my term of office.

Q. It was to make good a defalcation by you, as a public

official, of public moneys? A. It was to make good anything that ought to be charged to my term of office.

Q. If you had stolen the whole amount, it should be charged to your account of office? A. If the examination discovered I was chargeable with it.

Q. I find lower on, December 8, 1883 — is that your signature (showing witness paper); just look at the signature? A. Yes, sir.

Q. That is your signature? A. Yes.

Q. I read: "December 8, 1883. T. J. Mahoney, Esq., Comptroller. Dear sir: You are hereby authorized and requested to use and pay out the money paid to you by me for the purpose of making good the shortage which was in my account, at the time I turned over the comptroller's office to you. John C. Sheehan." Now, of course, that was true? A. The examination showed that there was money to be charged to my term of office, and that was a direction to Mr. Mahoney to use this money that was laying there, to apply it, if it was found to be the case.

Q. Will you please step aside a little while? A. Yes, sir.

T. J. Mahoney, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. Your name, Mr. Mahoney? A. Timothy J. Mahoney.

Q. Where do you reside? A. Buffalo, New York.

Q. How long have you resided in Buffalo, New York? A. Nearly 49 years.

Q. Have you ever occupied — A. Nearly 50 years I should say.

Q. Have you ever occupied a public position? A. Yes.

Q. Are you in the city of Buffalo? A. Yes.

Q. What position? A. Well, I occupied a number.

Q. Just let us hear them, if you please? A. Assessor, comptroller—I am now a city official, a member of the board of school examiners of the school board.

Q. You were elected in the fall of 1881? A. November, 1881.

Q. You were elected for the first time comptroller of the city of Buffalo? A. Yes, sir.

Q. What is the term of the comptroller? A. It was two years then.

Q. Whom did you succeed in that office? A. John C. Sheehan.

Q. Now I hand you papers designated as duplicates, and ask you if you recognize those papers, those papers having been



shown to Mr. Sheehan and by him identified, in his handwriting? A. Yes, sir.

Q. What were those papers; what did you understand by them at that time? A. Well, these papers were sent by the gentleman to me!

Q. Along with those papers I hand you a slip commencing "Tim;" were those papers accompanied by the slip which I have read? A. Yes, sir!

Q. Were you the gentleman addressed as "Tim?" A. I suppose that I was; I took it for granted.

Q. Your whole name being Timothy? A. Yes; they were handed to me, and of course the gentleman who delivered them knew who "Tim" referred to!

Q. Who was the gentleman who delivered them? A. A Mr. William F. Sheehan.

Q. The present Lieutenant-Governor of this State? A. Yes sir.

Q. What were those paper for? A. Well, this was, I suppose, in turning over the office!

Q. Did you take that statement from Mr. Sheehan as a statement of moneys which he was turning over to you as his successor? A. Accompanying these were checks for those amounts.

Q. Accompanying checks for the amounts? A. Yes.

Q. Now, give me one of the duplicates, please, I wish you to hold one; the account called the coupon account foots up \$82,209.60; did you receive checks covering that amount? A. I did, including the \$500.

Q. And you received in addition — that is in addition to that amount — you received \$500? A. Yes, sir.

Q. A check for \$500; well, here is a trust fund account of \$4,190? A. Well, I received no part of that; the \$500 I supposed was to apply.

Q. Was to apply to that? A. Yes, sir.

Q. But as a separate fund, you received no part of that? A. No; those two items were the total I received — \$82,000.

Q. Eighty-two thousand two hundred and nine dollars and sixty cents and the \$500; were you to sign these duplicates? A. Well, I suppose that was the intention of the note sent.

Q. Let me look at that, please; "Tim. I inclose herewith duplicate receipts for me to sign. You can hand one of them

inclosed in an envelope to Will;” that meant Mr. William Sheehan? A. Yes, sir; I suppose so; yes, sir.

Q. “For me;” well, now, why did you not send that? A. Well, I said to the gentleman delivering that, I said, after opening the envelope, it was sealed — after opening the envelope and reading the note, I told Mr. Sheehan — William — that I wanted to see John; I did not tell him that I refused to sign, or say anything about these receipts to him; but I told William I wanted to see John, and asked him to have John call and see me.

Q. Did John call to see you? A. Well, he did, after perhaps a week or so; I do not recollect the number of days intervening.

Q. Did you receive any moneys from John Sheehan, as comptroller of the city of Buffalo, other than the checks and amounts which you described? A. I did; I received \$5,900.

Q. The amount at the time; I am speaking of that time? A. No sir.

Q. Eighteen hundred and eighty-two; well in about a week after you say John Sheehan called upon you; did you have a conversation with him? A. I did.

Q. What was that conversation? A. It was in regard to the receipts that I did not sign and the money that was not turned over in these accounts.

Q. What did he say? A. Well, he said the money would be forthcoming.

Q. Did he say when? A. He set no time.

Q. I beg your pardon. A. He set no time, but said it would soon be made good.

Q. Did you impress upon him the necessity of making that money good as soon as possible not only for his own sake but for yourself? A. I did.

Q. Did you not say to him that you would be held responsible for that money unless the matter was quickly settled? A. Yes, sir.

Q. And what did he say? A. Well, he said he would try and bring it about, and use all means to do so.

Q. Was there anything said by him about that trust fund being mixed up in the coupon account? A. No, sir.

Q. After his first visit, Mr. Mahoney, did you say anything in public, or did you disclose the condition of affairs at that time? A. Not for nearly two years did I.

Q. And why did you refrain from disclosing the condition of affairs? A. Well, on the gentleman's account, of course.

Q. On his account? A. Yes.

Q. Did he, on any occasion appeal to you not to disclose the condition of affairs? A. Well, we felt that way, and we talked that way, of course.

Q. Why was it that nearly two years elapsed before you disclosed the condition of affairs? A. Well, it was not made good.

Q. Mr. Sheehan had not fulfilled his promise to you? A. No, sir.

Q. Had you to make any accounts or to file any of the conditions of the finances in the office when you took the office?

A. This was a private account kept by the comptroller.

Q. A private account? A. Yes, sir.

Q. That is, separate and apart from the city moneys? A. Yes, sir.

Q. It was called a trust fund arising from the sale of taxes, or for taxes? A. Part of it was a coupon account; the other was the trust fund; it is got together, that is, paid in by taxes; amounts paid in by taxes where an individual buys script from the city and the owner can come into the comptroller's office and pay the amount of the security with the interest by adding an additional \$15.

Q. And this fund, called the trust fund, accumulated from these moneys? A. Yes, sir.

Q. I ask you, at the time, if you made any — if you had to file any financial statement? A. No, sir.

Q. Of the situation of the finances of the office? A. No, sir.

Q. And you not being compelled to file a financial statement, you were enabled to keep this thing secret from the public? A. I did not get the question.

Q. Not being compelled by law to file a financial statement, you were enabled to keep this thing from the public? A. It was known to no person, except Mr. John C. Sheehan and myself.

Q. And I understand you to say that it was on his account, and at his request, that you refrained from saying anything about it? A. Yes, sir.

Q. To give him the opportunity to make good the deficiency? A. Yes, sir.

Q. Did you request him during this period of time, covering about the two years referred to, to make good his promises?

A. A number of times; yes, sir.

Q. And what did he say to you on these occasions? A. Well, kept putting it off, and making promises.

Q. Did he ever say to you on any of these occasions that he would not pay it, inasmuch as that so much time had elapsed that you would be held responsible as well as he? A. No; I don't think that was said; I never heard it said.

Q. Was there anything said between you and Mr. Sheehan touching a threat of somebody to go to State prison? A. Well, I don't know that any such a threat was made up to the time —

Q. Wasn't there some time when your patience was about exhausted; wasn't there some talk about someone going to State prison unless this thing was quickly cleared up? A. Not that I know of; not up to the time that it was exposed, if you call it an exposure; I do not know of any such thing.

Q. Well, you suffered a great deal of anxiety and worryment on this account, did you not? A. I did so.

Q. What? A. I did.

Q. In fact, you were driven into illness by it? A. Yes, sir.

Q. So that the doctors had to be called in to you? A. Yes, sir.

Q. Your physical condition was run down so; now, during this period of time, do you remember one occasion where you asked Mr. Sheehan if he would not make good that money because you had allowed it to run so long on his account that you were afraid that you would be held responsible; and did not Mr. Sheehan reply to you that you would have to make it good in order to save yourself, as well as to save him; or words to that effect? A. No; I do not think so; no, sir.

Q. Well, I know that — A. I might have said that I would be implicated; but I did not know of a threat being made then at that time.

Q. Of course, I know you are an unwilling witness, and we had to send to Buffalo with a subpoena to bring you here in charge of a deputy sergeant-at-arms of this committee; but I know you well enough to feel confident that while you are an unwilling witness, and not wishing to volunteer anything, that you will, of course, tell the truth, even in reference to this matter; now, I ask you again if Mr. Sheehan did not on one occasion tell you that he would not make good this money; that if you wanted to make it good, you would have to do it for your self-protection; or words to that effect? A. No; I could not say that that was said at any time up to the time that it came out; after that it might have been said.

Q. Yes; after it; now give us as nearly as you can where it was said, after it came out? A. Well, something of that was said.

By Senator Pound:

Q. How did it happen to come out?

By Mr. Goff:

Q. I was coming to that; never mind, Senator, I would rather have it now; let the question go; Senator Pound has asked of you, how did it come out? A. Well, as the counsel has asked of me, I answer the question, that at this time I was taken sick; and I had been renominated for comptroller, and this matter was worrying me and was troubling me, and was on my mind, and I worried, and so on, that I could not stand; I went to the chairman of the county committee and to him said, that I would have to decline, and I did so; and he, of course, wanted to know why; and I told him the reason why, and it came out; I did not publish it, but the gentleman, I suppose, on account of withdrawal, had to give it to the press, or words to that effect at the time.

Q. And this thing weighed so heavily upon your mind that while a candidate for a renomination for that position, and while before the people as a candidate, you had not the heart or conscience to meet the people while this thing weighed upon your mind? A. Well, it weighed upon my mind; I don't know anything about meeting the people; I tried to meet the people.

Q. It so weighed upon your mind that you did not feel justified for standing for the renomination? A. Yes, sir; that is why I declined.

Q. And that was the first time it came out? A. Yes, sir.

Q. That was in the fall of 1883? A. Yes, sir.

Q. Up to the election of 1883, that you have testified that Mr. Sheehan made many promises to you to make good this deficit, he had not made \$1 good to you as his successor? A. No, sir.

Q. And after it came out, will you tell us how it was that moneys were placed in your hands to meet the deficit that had occurred to yourself before? A. It was brought to me by Mr. Egan, one of the bondsmen.

Q. Sylvester F. Eagan; what occurred that brought the matter to a crisis so that Mr. Egan brought the money to you? A. Oh, of course I could not tell that.

Q. But were there any other prosecution or demand for prosecution on the part of any person or persons? A. Mr. Sheehan took it upon himself at that time to get the money together; I presume that was the reason; I don't know of any other.

Q. Was there not a demand for a prosecution on Mr. Sheehan for that defalcation? A. Not that I am aware of; no.

Q. Was there any conversation about it to your knowledge? A. All that I heard was that the bondsmen got together.

Q. Now, I ask you if at that time Mr. Sheehan did not say to you that you would have to make good the money yourself; if not, that you would go to State prison? A. That might have been said; yes.

Q. Don't you remember that you said on one occasion when Mr. Sheehan said that to you, that you said to him, unless this money be put in my hands both of us go to State prison tomorrow morning; do you remember a day when you said that A. No; I do not.

Q. What? A. I do not.

Q. Do you remember an afternoon when you said to Mr. Sheehan, after him saying this thing to you, that you would have to go to State prison if you did not make it good, that unless the money was placed in your hands that you would see each of you would go to State's prison; or words to that effect, or anything in substance? A. I don't remember anything of that kind; no, sir.

Q. You were very low in health at the time, were you not? A. I was, yes.

Q. And you had to give up all business? A. Yes.

Q. And all on account that this laid upon your mind? A. Yes, sir.

Q. This conversation may have occurred, and now you may have forgotten it? A. Yes; it may have occurred; yes sir.

Q. Your mind was in a very unsettled condition at that time? A. It was.

Q. When Mr. Egan brought you the money he delivered you the note which I now read, didn't he? "Buffalo, November 9, 1883. Received of John C. Sheehan the sum of \$5,900, to be applied in payment of any deficiency that may be found in his ac-

count on a proper examination. T. J. Mahoney, Sylvester F. Egan, witness. The above receipt is a true copy of the receipt given by me, J. C. Sheehan." That was given to you by Mr. Egan at the time? A. They were together; Mr. Sheehan was in company with Mr. Egan.

Q. How did it come to pass that you got a further writing, this writing being dated November 9; how did it come to pass that a month later, December 8, 1883, a month less one day, you received this letter from Mr. Sheehan, "T. J. Mahoney, Esq., Comptroller. Dear Sir.—You are hereby authorized and requested to use and pay out the money paid to you by me for the purpose of making good the shortage which was in my accounts at the time I turned over the comptroller's office to you. J. C. Sheehan." Will you explain to us how it was that a month elapsed from the time you received the sum of \$5,900 for that purpose and the reception of the note which I have just read? A. Well, that \$5,900 was deposited specially to a special account that I let remain and did not deposit in the general account, and Mr. Sheehan wanted it done and would like to have had it done.

Q. Wanted what done? A. The \$5,900 deposited in the general funds.

Q. He wanted to have the money deposited in the general fund? A. Yes.

Q. Was that the occasion of his trusting to you the note of December 8? A. Yes, sir.

Q. Did you insist that you should have such an authority from him? A. Yes.

Q. To draw that \$5,900 from the general fund? A. Yes sir.

Q. And that is why this last note was sent to you? A. Yes, sir.

Q. Have you got the book showing the deposit of that special amount (witness produces book); this account reads, "The Third National Bank in account with T. J. Mahoney, comptroller, special, November 12, \$5,900." That is the pass-book you received when you made that special account for special deposit? A. Yes, sir.

Q. Did the question ever come out between you and the commissioner as to how this deficiency occurred? A. No, sir.

Q. Oh, yes; I omitted a question; Mr. Moss suggested I had something in my mind; did you use more than \$5,900 in making good the deficit? A. Yes, sir.

Q. Was the deficit \$5,900, instead of \$4,100 and some odd? A. Between \$5,900 — yes; along there.

Q. Did the \$5,900 cover the whole of the deficit? A. Well, according to the report of Mayor Brooks, Mayor Brooks found a little more than that; but Mr. Sheehan explained that away by claiming that a resolution of the common council had canceled coupons as other matters that would offset more than that or that much.

Q. That is the difference between \$5,900 and the amount that the mayor's examination showed? A. Yes, sir.

By Senator Pound:

Q. How is the amount \$5,900 got at? A. Well, that was the amount — in the first place that 82 something should have been \$84,599.53.

Q. That is, to include the trust fund? A. No.

Q. It should have been more? A. The amount paid me was on account of the coupon account.

Q. That is the \$82,000 item? A. Yes, sir.

Q. That should have been more? A. Yes, sir; those two items together made \$5,900 and something.

Q. So there was a shortage in the coupon account as well as in the trust fund? A. Yes, sir.

Q. A shortage in both accounts? A. Yes.

Senator O'Connor.—Is that all, Mr. Goff?

Mr. Goff.—Yes, sir.

Senator O'Connor.—Mr Commissioner, is there any question you want to suggest to ask this witness; I will ask it if you wish it.

Commissioner Sheehan.—No, sir.

Senator O'Connor.—That is all, witness.

Commissioner Sheehan.—Gentlemen, if I was given the right to cross-examine the witness.

Senator O'Connor.—No; I would put any question, certainly.

Mr. Sheehan.—I won't ask any question.

John C. Sheehan resumes the stand and further examined by Mr. Goff.

Mr. Goff.—As long as Mr. Mahoney has expressed himself so, if Mr. Sheehan, the witness, or, I will say here, his counsel, wishes to cross-examine Mr. Mahoney, I will consent.

The Witness Sheehan.—We will waive it.



Q. I have just one question to ask, Mr. Sheehan; will you produce your bank-books? A. I gave you my reasons this morning.

Q. Will you, after hearing the evidence of Mr. Mahoney, and the evidence written by your own hand, will you now to this committee of the Senate of the State of New York produce your bank-book? A. Whenever you put witnesses on the stand to swear I ever received money wrongfully in accordance with the statement this morning, I will produce my bank-book.

Q. Will you, in the face of this conclusive proof that you have been guilty of grand larceny, that you were a grand larceny thief when you were appointed a police commissioner, will you produce your bank-books? A. I know you are lying.

Senator O'Connor.—I think it is improper to characterize testimony, because that will be our duty when we get through.

Mr. Goff.—I have a right when the conclusive proof is so clear.

Senator O'Connor.—I do not think so.

Mr. Goff.—And I am dealing with a recalcitrant witness.

Senator O'Connor.—I do not think these questions ought to be raised, because it is a question we have to pass on when the evidence is in.

Mr. Goff.—I think in the face of a witness' contempt, of a contemptuous witness and in dealing with a contemptuous witness, we should not search around for the mildest language to express our ideas in the case.

Q. Now, Mr. Commissioner, will you produce your bank-books? A. My bank-books are here in court, and when you have put witnesses on the stand to say I have received a dollar wrongfully, I will produce them.

By Senator Pound:

Q. You do not change the position you took this morning? A. No, sir; I do not; I am willing to produce them when they lay any foundation for anything of the kind.

Mr. Goff.—One word, before any further questions. Section 508 of the Penal Code, says, "A person, who, with the intent to deprive or defraud a true owner of his property, or of the use and benefit thereof, or to appropriate the same to the use of the taker, or of any other person, or having in his possession, custody or control as a bailee, servant, attorney, agent, clerk,

trustee or officer of any person, association or corporation, or as a public officer, or as a person authorized by agreement, or by competent authority to hold or take such possession, custody or control, any money, property, evidence of debt or contract, article of value of any nature, or thing in action, or possession, appropriates the same to his own use, or that of any other person other than the true owner or person entitled to the benefit thereof; steals such property, and is guilty of larceny." That is the language of the Code of the State of New York, and not mine.

Senator O'Connor.—I am familiar with that.

Mr. Goff.—Then when I used the language that you criticised me for before, I used the language of the statute of the State.

Senator O'Connor.—The point is that this committee when we get through have to pass upon this evidence. I think such language only leads to discussion.

Mr. Goff.—Mr. Chairman, it is half-past 5 o'clock, and we have had a long day.

The Chairman.—We will adjourn to half-past 10 o'clock to-morrow morning.

Mr. Goff.—Will you want all witnesses?

The Chairman.—All witnesses subpoenaed here to-day will be here promptly to-morrow morning at half-past 10 a. m.

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Proceedings of the fifty-sixth session of the committee, Thursday, November 1, 1894, 10:30 a. m.

Present.—Senators Clarence Lexow, George W. Robertson, Jacob A. Cantor, Edmund O'Connor, Cuthbert W. Pound and Daniel Bradley.

Mr. Goff.—I wish to have this book that is called a private assignment-book marked in evidence so that it will become a part of the record, and we may use it when necessary. This book was introduced by Mr. Sheehan yesterday, and I want to have it marked now.

The book is marked Exhibit I, November 1, 1894, L. H. W.

Mr. Goff.—Mr. Chairman, there have been many matters pressing upon me in relation to witnesses whose presence before the committee I can not be always sure of, inasmuch as Commissioner Sheehan's examination occupied considerable time, and we are pressed for time, I will excuse for the present Commissioner Sheehan from further attendance to-day. I will excuse the commissioner from further attendance.

Lieutenant-Governor Sheehan.—Is it for to-day, or is it—

Mr. Goff.—I will communicate with him. Let the commissioner understand that he is excused until he receives a communication from me.

Chairman Lexow.—And will not be called to the stand again in the immediate future. I understand the Lieutenant-Governor wants to go home.

Lieutenant-Governor Sheehan.—I want to go home, unless he is going to be called.

Mr. Goff.—Yes; you can go home; he won't be called to-day or to-morrow.

J. W. Boyle recalled and further examined as witness by Mr. Goff.

Q. Have you any idea of how many men you have recommended for appointment by the police board; that is, how many men you have recommended to the police commissioners for appointment to the police force? A. I don't think—I don't think that I have—I don't think that I have indorsed the recommendation of over two.

Q. Two? A. Two or three; I don't know how many.

Q. Well, Mr. Boyle, is that part of the responsibilities of a leader of a district; why then recommendations made by you—

By Chairman Lexow:

Q. I would like to ask a question before I forget it; then you disagree with Judge Roesch, who testified on the stand here that one of his duties as district leader was to get appointments for citizens of the district? A. My duty is to get appointments for all citizens I can get appointments for.

By Mr. Goff:

Q. As a matter of fact, it was after you were selected as leader of your district that these applications were made to you for recommendation to the police force for appointment? A. I have recommended more prior to being chairman of the district than I have since.

Q. Well, in recommending men for appointment to the police force, have you selected any particular commissioner to whom you recommended men for appointment? A. No.

Q. What? A. No, sir.

Q. Are you clear about that? A. Yes, sir; clear about that.

Q. Have you thought anything further about that little circular we spoke of yesterday? A. Will you allow me to see that circular again, Mr. Goff, please?

Q. It is so small that I can carry it in my pocket. (Shows witness circular.) A. I just wanted to see whether this paste here was fresh or not; if the paste they stuck on this here—was pasted or pinned.

Q. It is pasted. A. Yes; it is pasted; that is all I wanted to see, whether that was pasted or pinned in.

Q. What bearing would that have upon the matter—whether it was pasted or pinned? A. Well, I would see whether the person has misled you by tacking it on and sending it to you and deceiving you in the matter.

Q. Of course, if there was that intention to mislead me, the misleading could have been done by pasting as well as by pinning. A. Yes; but I wanted to see the method adopted.

Q. Now, having seen the method adopted in this matter, has it cleared your recollection in the matter to your knowledge? A. Nothing at all; I have inquired from our secretary, and he knows nothing at all.

Q. Who is the secretary? A. Mr. Sherman Parker.

Q. It is pretty old paste? A. Yes; it is pretty old paste.

Q. He is in the sheriff's office? A. He is in the sheriff's office; yes, sir. (Addressing the chair.) It is one of those tricks that deceive him, you know.

Q. Did you ever select Commissioner Sheehan as a special commissioner to whom to make recommendations? A. No, sir ;I did not.

Q. For appointment? A. I did not, sir.

Q. Well, now, I find that in this appointment book presented by Mr. Sheehan, which gives the names of the applicants, and the names of the persons who recommend them to him, on whose responsibility he appoints them; I find in this private appointment book, as it is called, and put in evidence by Mr. Sheehan—let me see, you were selected leader in 1892, weren't you, or 1893? A. Eighteen hundred and ninety-three, about March, 1893.

Q. But, of course, you were active in politics before that; you have been active in politics in New York for many years? A. Yes; but not in Tammany Hall organization, no.

Q. I find that on December 19, 1892, you recommended John H. Allen, 77 Horatio street, for appointment, who passed and

was appointed by Commissioner Sheehan and credited to you; that is one? A. Yes; well, I will answer that; Mr. MacLean I asked to appoint him, and he was a little full, and he would have appointed him only he was a little full.

Q. Well, that is all right; you fell back on Mr. Sheehan? A. Yes, sir.

Q. Who is Mr. McKeon? A. He is the alderman of our district.

Q. I find on January 26, 1893, that Jeremiah Sullivan applied for appointment and is credited by Commissioner Sheehan to you, and Mr. McKeon; do you remember that name? A. I do; yes, sir.

Q. Are those the two men you say you applied for? A. Those are the two men I recommended; I appeared in person and recommended those two men.

Q. Yes, they were appointed; well, I find on June 6, 1893, that James F. Connors, 451 West Sixteenth street, applied through you, and you were credited with the recommendation of the application; that is three, Mr. Boyle? A. Yes; I guess you will find five; and there is one over in Sixteenth street besides that; I had obtained two in Sixteenth street and there is one other.

Q. On June 7, 1893, you recommended Charles S. Pollock, 240 West Sixteenth street, that is four? A. Yes.

Q. Now, let us see if we can find that fifth one; I find on October 17, 1893, that Edward J. Burke, 130 Charles street, was credited to you as an applicant; that makes the fifth; now, do you think that reaches the limit? A. I don't remember; I think there are two in Sixteenth street.

Q. I find in addition to the limit you have placed that on October 13th, John L. Ross, of 25 Charles street, applied, and was credited to you; that is six? A. Well, I won't deny any of those; I do not remember that now, though; I might have had a dozen if they had asked me to.

Q. That is six; well, I find on November 28, 1893, Edmund B. Ottie, of 43 James street, was also credited to you; that makes seven; do you think we have reached the limit yet? A. I can not say, sir; you are the best judge of that; you have the book before you, and I have not; I can not say; it would afford me great pleasure if I could have 50, if they would appoint them; they came to me and I had to do it.

By Chairman Lexow:

Q. Were you the only place they had to go to in that district? A. I don't know that; I am a citizen in that district; I don't know about that.

By Mr. Goff:

Q. I find on December 19th, the application of Matthews Silk, 176 Perry street; that is also in your district and was credited to you; that makes eight? A. Was he appointed?

Q. No, sir; his appointment is yet pending? A. Well, I keep posted in those appointments.

Q. Now, let us look on a little further; I find on December 22, 1893, Florence O'Brien, 1816 Greenwich street, applied and was credited to you; that makes nine; now, I find that on January 6, 1894, Thomas F. Tansey, of 308 West Sixteenth street, made application, and he was credited to you; that makes 11, Mr. Boyle; I find on January 9th of this year, that John McCarthy, 400 West street, also applied, and was credited to you? A. Were those applications or appointments; were those men appointed?

Q. That makes 11; he is on the high road for appointment; he has passed the doctor's care on the record; now I find that on January 15th, of this year, Charles Yager, of 23 Eighth avenue, applied, and credited to you; also passed the doctor, and on the high road; that makes 13; do you think we have reached the limit yet? A. I am sure I don't know.

Q. That makes three in the month of January; well, now I find that in the next month February 23, 1894, David S. Grinnel, of 95 Perry street, applied and was credited to you, and he passed the doctors, and is on the high road; that makes 14; I find, on May 18, 1894, Michael Kane, of 117 Ninth avenue, applied and was credited to you, and he passed the doctors, and is on the high road; that makes 15, does it not; and in the same month, May 23, 1894, Frank T. Flannigan, 345 West Sixteenth street—that is a peculiarly fruitful field; he applied and was credited to you, and passed the doctors, and was on the high road; that makes 16; I find on June, the next month, June 4th, James Early, 290 West Twelfth street, applied and was credited to you, that being the fourth time he applied, and the fourth set of papers; why, that makes 17; it seems that Mr. Early was a quarter of an inch too short; in fact, one of the policemen, Mr.

Boyle—we had evidence here that a man who was quarter of an inch too short, and he stretched himself out by some process, and applied, and he was appointed; do you remember whether there was a similar occurrence with this man? A. I don't know; I kept no record at all; I indorsed any respectable man, and indorsed his application.

Q. Have we reached the limit? A. I hope not.

Q. I find on June 8, the same year, Richard J. Kelly, 556 West Twelfth street; he was credited to you, and passed the doctors, and is on the high road; why, that is 18; the same month, on June 18, I find that Louis Young, 92 Christie street, was credited to you, and he passed the doctor, and is on the high road; that is 19? A. Ninety-two what street?

Q. Ninety-two Christie. A. Christie; Christie or Christopher?

Q. It is Christie here; Christopher is on your side, and Christie is on the other side; you had enough to do to attend to your district? A. Yes.

Q. That is not a marker to applications that are made in other departments from your district, is it? A. I am sure the applications—I don't know; I would make all the applications I could if I could get places for them; I would be only too happy.

By Chairman Lexow:

Q. It is simply characteristic of the general demands you make upon the other departments of the city government? A. I won't say that, sir; I do not make any demand as a political party; but as a private citizen.

Q. Is your indorsement as representative of the dominant party of this city equivalent to an emphatic demand for a place? A. I do not so understand it.

By Mr. Goff:

Q. I find on July 7, 1894, there was William B. Dunlap, 628 Hudson street, and re-passed the doctor, and is on the high road, and credited to you? A. It shows a good class of citizens in our assembly.

Q. That makes an even 20; now, this book closes on July 2d; that is the last date on this book; it has not been written up since July 2d of this year; can you give us any idea of how many

you have indorsed for appointment since that date? A. I could not; I kept no record any more than if a man asked for an indorsement I give it.

Q. Evidently you did not, when you stated about two? A. I thought you had reference to appointment; I did not think about recommendations of applications.

Q. I find among the names to whom appointments or applications are credited in this private appointment book, the first name on the list is John C. Sheehan; he is a district leader of Tammany Hall? A. Yes, sir.

Q. The Thirteenth district? A. Yes; the Thirteenth district.

Q. I find that for the same period of time that I have gone over touching your recommendations for appointment, I find that Mr. John C. Sheehan has exceeded you by one, that is, he having 21 as a district leader, recommending to himself for appointment as police commissioner 21 men in that time.

Senator Cantor.—How many appointments out of the 21?

Mr. Goff.—I have not tabulated this just yet.

Senator Cantor.—Those are recommendations.

Mr. Goff.—Of course, there are some that can be made yet, some appointments that can be made yet. I find the next name here James P. Keating. He is a leader of Tammany Hall? A. Yes, sir.

Q. What district? A. I think the Fourteenth; I am not positive of that.

Q. I find the name of James H. Sluthworth; is he a leader? A. No; he is not.

Q. He is an alderman A. No; Sluthworth is a member of Assembly.

Q. I find the name of Patrick J. Ryder, alderman of the Fifth district; is he a leader? A. No.

Q. He is not a leader of that district? A. No; he is an alderman.

Q. I find a number of appointments credited to him; I find the name of Charles Welde, is he a leader of a district? A. Yes; the Twenty-seventh.

Q. I find 17 credited to Judge Welde; I find the name of B. F. McMahon; that is Judge McMahon, isn't it? A. Lee F. McMahon.

Q. He is a leader of the district? A. There is a Judge McMahon; I don't know his name though.



Q. Seventeen credited to him; I find George W. Plunkitt; is he a leader of the district? A. Yes, sir.

Q. And we find 15 credited to Mr. Plunkitt; I find the name of Daniel M. Donnigan; is he a leader of a district? A. He is not.

Q. Doesn't he hold some titular dignity or office? A. I don't know; I don't what business he is in.

Q. What is that? A. I don't know.

By Chairman Lexow:

Q. He is treasurer of Tammany Hall, is he not? A. Treasurer; why no, he is not treasurer.

By Mr. Goff:

Q. No, he is not treasurer—Wininsky, or something like that, some unpronounceable name; are you familiar enough in Tammany Hall to pronounce the Indian names? A. No, not long enough for that.

Q. It takes some time to know the ropes? A. My experience has shown me what the ropes are.

Q. I find the name of Alderman Roach here; is he the leader of a district? A. I don't know him.

Q. What? A. Oh, Roach; no, he is not, of the Fourth district.

Q. I find the name of Edward T. Fitzpatrick; is he a leader of a district? A. Yes, of the Fourth.

Q. I find the name of Harry C. Hart; is he a leader of a district? A. No, sir.

Q. He used to be an alderman? A. He used to be an alderman.

Q. I find the name of Moses Dinkelspiel here; is he a leader of a district? A. No.

Senator Pound.—He is a member of the Assembly.

Q. I find the name of Alderman Joseph Martin; is he a leader of a district? A. He is a chairman of the district.

Q. I also find the name of George F. Roesch, Judge Roesch; is he a leader of a district? A. No; he was.

Q. He was? A. Yes; he is an ex.

Q. Nine are recorded to Mr. Roesch's account; I find the name of J. W. Hinckley, Poughkeepsie, 230 Main street; is he

a leader of a district in New York? A. Not in New York; there is no such name appears on the roll.

Q. I find the name of Alderman Patrick Royden; is he a leader of the district? A. No, sir; he is an alderman.

Q. I find the name of Bernard F. Martin; is he a leader of a district? A. He is, sir.

Q. I find the name of Meyer J. Stern; is he a leader of a district? A. I don't know, sir.

Senator Cantor—He was formerly a member of the Assembly. That is Meyer Stern, the lawyer.

Q. I find the name of the Columbia Chowder club that we referred to yesterday; is that individual the leader of a district? A. I think not, sir.

Q. I find the name of Edward C. Shea; is that gentleman the leader of a district? A. No; he is not.

Q. He is a commissioner of charities and corrections; I find the name of Alderman Jacob C. Wandt, Fourteenth Assembly district; is he a leader of the district? A. No, sir; he is not.

Q. He is an alderman, a member of the board of aldermen; I find the name of Hon. Grant P. Taylor, Chatham street, New York, Orange county, N. J.; is he a leader of a district? A. No, sir; he is not.

Chairman Lexow.—He was Assemblyman for the First Orange district.

Q. I find the name of George J. Krauss; is he a leader of a district? A. No.

Q. Is he an alderman? A. No.

Q. Isn't that the leader of the Music Hall in the upper Broadway? A. There is a man of the name of Krauss; I don't know his initials; he is a keeper of a music hall.

Q. I find a number of appointments and applications credited to him; I find the name of Joseph Blumenthal; is he a leader of a district? A. No, sir.

Q. Does he hold office? A. Commissioner of taxes, ex-member of Assembly.

Q. I find the name of Patrick Maloney, Owego, Tioga county, N. Y.; is Mr. Maloney the leader of a district here? A. He is not, sir.

Q. Do you know anything about Mr. Maloney? A. No, sir; nothing.

Q. I find the name of John B. Magoldrick on quite a number of applications; is he a leader in a district? A. He is not.

Q. What position does he hold? A. He is attached to one of the courts here, the city court.

Q. Clerk of the city court, and secretary of Tammany Hall? A. I don't know that he is secretary.

Q. I find the name of William Dalton here credited with a number of applications and appointments; is he the leader of a district? A. He is.

Q. And an excise commissioner; I find the name of Jacob Seabold; is he a leader of a district? A. Yes.

Q. What district? A. The Thirtieth, I think.

Q. Twenty-ninth? A. Twenty-ninth or Thirtieth; I do not know which.

Q. I find the name of Lee Phillips; is he a leader of a district? A. He is not.

Q. What position does Mr. Phillips occupy? A. Well, there is a party of that name in the civil service.

Q. I find the name of Philip Benjamin here; is he a leader of a district? A. No, he is not.

Q. He was an alderman? A. Yes, sir; alderman of the Eighth district.

Q. By the way, I find that in regard to Mr. Lee Phillips' application, that is somewhat interesting, that Michael Gallagher, 258 West One Hundred and Third street; he was first discovered to have varicose veins; he was rejected; he seems to have passed over the varicose veins and was appointed on January 3, 1894, with a civil service percentage of 91 63-100; that is not for you, Mr. Boyle; of course, I am merely reading it from the record; of course, you do not know anything about that; John Reilly, Tenth Assembly district; is he a leader? A. Yes, sir.

Q. Now, I find the name of Charles Parks here; is he a leader of a district? A. He is not.

Q. He is alderman? A. Alderman at the present time.

Q. From the same Assembly district Mr. Sheehan is the leader? A. Yes, sir; the Thirteenth.

Q. And there are 13 appointments credited to him? A. He is an active man.

Q. I find the name of Charles P. McClellan here, 40 Wall street; is he a district leader? A. He is not; president of the board of aldermen.

Q. Charles P. McClellan? A. No; Charles P. is Senator.

Q. I find the name of William J. McKenney; is he a district leader; he used to be in the county clerk's office? A. There is

in my memory—I do not know his initials—he is a leader of a district on the east side, the Fifth.

Q. I find the name of Mr. Featherstone here; is he a district leader? A. He is, sir.

Q. He is credited with a number; I find the name of Lawrence Delmour here; is he a district leader? A. Yes, sir.

Q. Several are credited to him; I find the name of Patrick Divver here; is he a district leader? A. He is; or was; he is not at the present time; he is under the head of ex.

Q. I find the name of Robert S. Peterson here; is he a district leader? A. Peterson; no.

Q. Do you recognize the gentleman as complaint clerk at police headquarters? A. No; I know a party of the name; but I don't know his initials.

Q. You, of course, do not know; I find the name of Timothy J. Campbell here; is he a district leader? A. No.

Q. I find the name of John J. Ryan here.

Chairman Lexow.—He was alderman here.

Q. Department of public works, John J. Ryan; is he a district leader? A. Yes, sir; he is.

Q. What district is Mr. Ryan a leader of? A. I think the Twenty-fifth or Twenty-sixth.

Q. I find the name of Timothy D. Sullivan; is he a district leader? A. He is, sir; and a Senator as well.

Q. I find the name of William H. Burke; is he a district leader? A. Yes, sir.

Q. And a police judge? A. And a police judge.

Q. A good many are credited to Mr. Burke; I find the name of John T. Oakley; is he a district leader? A. No; he is not.

By Chairman Lexow:

Q. He is an alderman, is he not? A. There is an alderman; but I don't know his initials.

Q. I find the name of Augustus T. Docharty here; is he a district leader? A. He is not sir.

Q. And does he hold a public position in this city so far as you know? A. Yes.

Q. What position, if you know? A. He is secretary of the dock department.

Q. I find the name of John B. Shea; is he a district leader? A. Yes, sir.

Q. What district, Thirtieth? A. Either Twenty-ninth or Thirtieth.

Q. I find the name of F. P. Hummell; is he a district leader?  
A. He is not.

Q. Assembly, isn't he? A. I do not know.

Q. That is in the Twenty-fourth Assembly district; that is, it is credited to him? A. I do not know him.

Q. And James C. McShane, credited to him; the Assemblyman of the Thirteenth Assembly district, is he? A. No; Southworth is Assemblyman there.

Q. I find the name of Judge Thomas F. Grady; is he a district leader? A. He is not.

Q. I find the name of Joseph B. Newberger; is he a district leader? A. He is not.

Q. He is a judge in one of the courts; I find the name of John F. Carroll; is he a district leader? A. Yes, sir.

Q. What district? A. The Sixteenth.

Q. Isn't it the Twelfth? A. No; the Sixteenth.

Q. I find the name of Alderman William Pate; is he a district leader? A. No, sir.

Q. An alderman; I find the name of Peter I. Dooling, Seventeenth Assembly district; is he a district leader? A. He is; yes, sir.

Q. I find the name of Captain Devery here; is he a district leader? A. No, sir.

Q. What position did he occupy in New York—police captain?  
A. Police captain.

Q. And the person whom he recommends is his brother, Stephen P. Devery, and he has passed and, of course, is on the high road; I find the name of E. Ellery Anderson here; is he a district leader? A. No, sir.

Q. His candidate passed, and is on the high road; I find the name of William Sulzer here, credited with several applications; is he a district leader? A. He is not, sir.

Q. That is the ex-Speaker, I suppose? A. The ex-Speaker of Assembly.

Q. I find the name of Frank Tweed here; is Frank Tweed a district leader? A. I do not know.

Q. Well, do you remember—I ask you now, Mr. Boyle, as a gentleman very well acquainted with New York and its life, if you remember that particular leading papers here devoting a page or two to Mr. Tweed's fraudulent procurement of licenses; do you remember that? A. I remember reading such an article, but I do not know the party.

Q. You remember the Pequod club? A. I do not remember the party.

Q. I find the name of Louis Munzinger; is he a leader of a district? A. He is not, sir.

Mr. Goff.—With regard to this application, I simply read for the record, not as a question for Mr. Boyle. In regard to this application, credited to Louis Munzinger, of Timothy J. Donohue, Jr., 347 West Twenty-seventh street, who was recommended by a letter from the Hon. Grant B. Taylor, as well as Mr. Munzinger, but Mr. Taylor seems to have withdrawn his recommendation for some reason. But notwithstanding Mr. Taylor's withdrawal, Mr. Donohue passed and is on the high road to appointment.

Q. I find here the name of Patrick Sarsfield Cassidy, city editor of the Mercury; is he a district leader? A. No.

Q. He is credited with an appointment; I find the name here of Sergeant John J. Hanley; is he a district leader? A. He is not; no, sir.

Q. Mr. Hanley recommends his brother, Richard L. Hanley—I wish to correct that—it is not Hanley; I mistook the n's and r's; it is Harley—John J.

Chairman Lexow.—That is ex-Congressman.

Mr. Goff.—No, that is Hardy; no, that is another individual.

Q. I find appointments credited to Alderman Frank G. Ring, Seventeenth Assembly district? A. He is not a leader.

Q. Is he a district leader? A. No; he is not.

Q. I find Mr. Lee Phillip's name again here recommending James Hooks; Hooks seems to have caught on; I find the name of Alderman William H. Murphy; is he a district leader? A. He is not, sir.

Q. I find the name of John Martin here; is he a district leader; do you know? A. He is not; no, sir.

Q. I find the name of Andrew J. White here; is he a district leader? A. He is not.

Q. He is dock commissioner? A. Yes.

Q. I find the name of John B. Saxton; is he a leader? A. Yes, sir.

Q. I find the name of Louis Drypoucher; is he a district leader? A. He is not.

Q. What is he? A. An ex-Assemblyman.

Q. Alderman Peter Gecks of the Twenty-third ward; is he a district leader? A. He is not, sir.

Q. He is an alderman; I find here the name of Henry Brady, captain of the Twentieth election district; could you, Mr. Poyle, accomplished as you are in the ways of city politics, could you tell us what that means? A. The captain of the election district.

Q. That is Henry Brady, as captain of the Twentieth election district? A. Each and every Assembly district has a number of election districts, and they are commanded by a captain.

Q. The captain of an election district is recognized by his official title? A. He is recognized by the chairman of the organization.

Q. He is recognized evidently by a police commissioner, because this is the police commissioners' book? A. That I do not know; I do not know what title he has there.

Q. John P. Windolph; is he a leader of a district? A. He is not.

Q. Does he occupy any official position? A. No; not so far as I know; he is an alderman.

Q. I find the name of James B. Lyon from Albany; is he a district leader in this city? A. No, sir.

Q. Or does he occupy any official position? A. Not that I know of.

Q. Jacob A. Michnacht; is he a district leader? A. He is not.

Q. What is he; an Assemblyman? A. No; I don't know.

Q. He is a candidate now, and was in the Assembly last year, am I right? A. I do not know him.

Chairman Lexow.—What is the first name?

Mr. Goff.—Jacob A.

Chairman Lexow.—Yes; he was an Assemblyman.

Q. James Owens; he is an alderman, is he not? A. Owens?

Q. Two hundred and forty-five East One Hundred and Twenty-fourth street? A. I do not know; there is an alderman named Owens.

Q. He isn't a leader, is he? A. No; he is not a leader.

Mr. Goff.—Of course, these matters that we have read are only samples of the many times they are referred to in this book, and they cover the great majority—overwhelming majority—of applications and appointments that are credited. Knowing Mr. Boyle as I do, I made free with his information this morning that I could get it on record as to his knowledge on the positions occupied by these respective gentlemen, whose names

I called out. Mr. Boyle, I am very much obliged to you. Is Mr. Tekulsky here? (Yes.) Is Mr. Smith here? (Yes.)

Morris Tekulsky, recalled as a witness on behalf of the State, being examined by Mr. Goff, testified as follows:

Q. Mr. Tekulsky, you, up to a recent date, were president of the Central Liquor Dealers' Association, in this city; were you not? A. Up to a little over two years ago.

Q. And since that time you have been, I believe, president of the State Central Association? A. The State Association; yes, sir.

Q. Now, Mr. Tekulsky, I do not wish to ask you any questions now concerning the relations of the liquor dealers to the police, because I am too busy to take up that matter; but this one question I want to ask you, or at least upon one subject, and only upon one subject; how many men do you have appointed grand jurors of this county? A. I do not believe that I had any; I, at one time, was associated on the committee with wholesale liquor dealers, and there we talked the matter over; and I believe that one or two names were sent in; who they are I do not remember; whether they were sent in and appointed I do not know.

Q. Sent in by who? A. Well, it came from the Wholesale Liquor Dealers' Association.

Q. They were sent in by the Wholesale Liquor Dealers' Association? A. Yes, sir.

Q. Well, who are the officers of that association? A. I am not positive whether Mr. Ross or Mr. Kersey was president at the time; Mr. Smith was the secretary, and Mr. Smith had that matter in hand; as I understand it.

Q. Mr. — what? A. Mr. Smith.

Q. Had what? A. Sent in those two or three names; I am not positive who they are.

Q. To whom did Mr. Smith send the names? A. He can answer better than I, because it is so long a time ago that I do not exactly remember.

Q. Well, it is only a few years ago, Mr. Tekulsky, and the suggestions or selection of names for appointment on the grand jury of this county was a very important proceeding; now, I want you to tell us what you know about the matter; and what part you played in it, in your individual capacity? A. I don't believe that I played much of any part in it; any more than discussing the matter; that it would be far better to have good, honorable



business men; men who were not directly or indirectly interested in the business; who could judge a case far better than those who were in the business; that they ought to try and get some names and send them in to the proper authorities; I do not remember whether they were sent in to the sheriff or to whom.

Q. Some names; what names, and for what purpose? A. To get a proper tribunal.

Q. I beg your pardon? A. To get a proper tribunal to hear the cases—a proper grand jury.

Q. Do you consider that up to that time, there had not been a proper tribunal or grand jury in this county? A. I always believed that there were men selected for the grand jury, and I believe it is so now, that are prejudiced; who do not consider the cases as they are brought before them, but they allow their prejudices to run away with them; I think now, that it is far better to have honest, upright men as grand jurors, who have no affiliations in any way with politics, or anything of that kind; it is better for the community and better for the people at large.

Q. We all agree with you in that, Mr. Tekulsky; I do not think there is a dissenting voice to that in New York? A. And I, as a citizen, would ask you or any other man to send in names; good, proper, honest men.

Mr. Goff.—Yes. It is very praiseworthy, indeed. We all agree to that.

By Chairman Lexow:

Q. Do you mean thereby to impugn the good faith and honesty and integrity of those who select the grand jury? A. No; I do not.

Q. Why did you suppose then that they needed any assistance from you? A. Just as much as they do from any other citizen.

By Mr. Goff:

Q. Did they ask assistance from any other citizen? A. I do not know.

Q. To your knowledge? A. I do not know.

Q. How did you know they needed it as much from you as any other citizen? A. I should think it was the duty of every citizen to be interested in the selection of the grand jury.

Senator Q'Connor.—Who selects the grand juries in this city?

Mr. Goff.—The chief judges in the several courts, together with the presiding judge of the Court of General Sessions.

Chairman Lexow.—And the county clerk?

Mr. Goff.—And the county clerk.

Senator O'Connor.—They make up the grand jury?

Mr. Goff.—They are the board, yes; they select the grand jury list from the gentlemen last called—jurors from the city of New York. The grand jury list is not selected by lot. The list is made up by this board for the selection of the grand jurors once a year, the jury year—the legal year—commencing on the 1st of October each year, and the list of grand jurors is revised, added to or taken from, according as these gentlemen who are charged by law with that duty think proper to do so. But the selection of the list is absolutely within their discretion, and subject to their disposition.

Q. Now, Mr. Tekulsky, when did you first interest yourself in the selection of grand juries for this city and county; what year? A. Oh, I do not know of any particular year; I am just as much interested now as I ever was.

Q. Did you not at one time, or during one year, when you say that you were in consultation with a committee of the Wholesale Liquor Dealers' Association; didn't you particularly interest yourself then as to the selection of the men that you thought would make proper and competent grand jurors? A. Well, I do not know that I was any more interested; but that we spoke of the matter in our association.

Q. Is it not a fact, Mr. Tekulsky, that you wanted to get men engaged in the liquor trade upon that grand jury? A. I never advocated it, and am not in favor of it now.

Q. Will you swear you did not send in the names of men, of some persons, who were engaged in the wine or liquor trade in the wholesale department of it; will you swear it now? A. I will positively swear I never sent in any names that I knew was in the liquor business.

Q. Did you ever send in the names of any man or men to any person for appointment on the grand jury? A. I do not remember that I ever did.

Q. Will you swear you did or did not? A. I won't swear to that.

Q. If you did send in names for appointment on the grand jury how was it that you interested yourself; what particular interest had you, Morris Tekulsky, to send in names for appointment or selection as grand jurors in this county? A. I do not claim now that I did send in any names.

Q. But you are in doubt about it? A. I am, but I remember speaking of the matter; I remember there was something in it, but what it is just now I am unable to say positively.

Q. How did the matter come up if you remember? A. That I do not remember, how it came up.

Q. Can't you tell us how that very interesting question concerning the selection of grand jurors or the selection of names to the grand jurors of this county came up for discussion or conversation? A. I could not at this present time.

Q. Is it a matter of such trifling importance, during your busy life, that you can not recollect it? A. There is a great many things that occur to me that at times I forget them.

Q. Did you ever write to any one for names? A. I may have; I can not say I did not.

Q. Don't you know you did? A. I do not know positively; no.

Q. What? A. Positively, I do not know.

Q. Mr. Murphy, let me have that letter; is that your signature, Mr. Tekulsky? (Showing witness letter.) A. That is; yes, sir.

Q. That is your signature? A. Yes, sir.

(Letter referred to marked Exhibit 2 for identification, November 1, 1894, L. W. H.)

Q. Now, I have shown you the signature to this letter? A. Yes, sir.

Q. Do you remember its contents? A. I do not.

Q. Do you remember to whom it was written? A. I do not.

Q. Well, then, I will deal frankly with you, and will read the letter? A. All right.

Q. Printed heading, "Morris Tekulsky, Sample room, 113 Park Row, and 5 New Chambers street. Imported wines, liquors and segars. New York, June 20, 1891. J. P. Smith, Esq., Kemble building, city. Dear Sir: Yours, with names was duly received yesterday. You have done so well with those two, I take the liberty to ask you to try and send me four or five more names if you can. You have time until about the middle of July to do it in. Hoping you will favor me with the same, I am, very truly yours, Morris Tekulsky." Now, after reading that letter, Mr. Tekulsky, does it refresh your memory anything about this first portion, "Yours with names, was duly received yesterday. You have done well with those two." What names were received? A. I could not tell you.

Q. Can't you tell anything about that? A. I do not—

Q. Now, as I stated before, that that matter did— A. We did discuss the matter.

Q. Please answer my question? A. I can not remember the names.

Q. Your memory has suddenly become a blank? A. No, sir; it has not suddenly become a blank.

Q. Do you remember anything about this letter? A. Well, there is no doubt but what I wrote that letter.

Q. There is no doubt about that; do you remember anything on the subject-matter of which this letter treats? A. I do; I remember that this is a matter that we spoke of, and probably Mr. Smith sent me a couple of names, and I thanked him for it; that is about what that letter means.

Q. What did you do with the names he sent you? A. That I can not say; I don't remember.

Q. Do you know what names he sent you? A. I do not.

Q. What did you write to him for more names for? A. I could not say now.

Q. Your memory has again become a blank? A. It has on that subject.

Q. And you will it to be a blank on that subject? A. No; if you can refresh my memory, I will help you.

Q. I am industriously trying to do it; so far we have fairly succeeded; now you state those two; "You have done so well with those two;" what two? A. I suppose they were two good men.

Q. Then you have some recollection about that, inasmuch as you are now able to determine they were good men? A. I don't say so; I said I supposed they were good men; that is the reason I wrote the letter.

Q. You would not have written the letter if they were not good men? A. No; I do not suppose I would.

Q. This letter referring to these two good men, and that he did so well with those two; can't you tell us what you did with those two men? A. I can not; I do not remember what I did with them.

By Chairman Lexow:

Q. Good in what respect? A. Character and availability; I think they were business men.

By Mr. Goff:

Q. How were they available? A. Well, from the time that I received it, I suppose I looked into the matter to find out what kind of men they were; whether they were business men.

By Chairman Lexow:

Q. With what object in view? A. Well, the object in view was, I suppose, at the time, to try and get some of the proper authorities, whoever they were; I do not know now who the really proper authorities is to appoint the grand jury; to see that the grand jurors would be men who were not prejudiced against our trade in general.

Q. To see the grand jurors were not prejudiced against your trade; well, Mr. Tekulsky, you must have had some one in view, through whose influence you could induct these names into the new grand jury that was about to be impaneled that year; you must have had some one in view? A. I do not remember just the circumstances of the case.

By Mr. Goff:

Q. Oh, yes, you do; you say you inquired into their character?  
A. I say, I suppose I must have.

Q. Do you know anything at all about it? A. I do not.

Q. You have forgotten everything about it? A. I certainly have a faint recollection of something of that kind; but the real particulars about it I do not remember.

Q. Don't you remember the name of one man that was sent you? A. No; I do not remember it at all.

By Chairman Lexow:

Q. Is the interference by an individual, in the way of appointment of grand juries in this county, a matter of some importance? A. I believe it is customary, as I understand, that there are thousands of gentlemen in this town send in their names.

By Mr. Goff:

Q. Who gave you to understand that? A. I have heard it generally spoken of.

Q. Tell me one man that you ever heard speak that way, that it was customary for thousands of citizens to send names in for appointment to the grand jury; tell me the name of one man? A. I can not name one in particular.

Q. The matter of fact is, what you said at that time is not true; isn't that so? A. I do not know about that; that it is not true.

Q. If you did not know it was not true, why did you swear to it? A. Well, I have always understood.

Q. I am asking you for your reasons—not what you understood; if you did not know it was true, why did you swear it here? A. That I do not know it was true?

Q. If you did not know it was true?

By Chairman Lexow:

Q. Mr. Goff is asking for your reasons in swearing to it? A. I do not propose to swear to anything unless it is so.

By Mr. Goff:

Q. I do not ask you to swear to anything you do not feel disposed to; I am asking you a fair question; will you answer my question, please? A. Repeat that.

Q. (Read by the stenographer.) If you did not know it was true, why did you swear to it here? A. I did not intend to swear to it if I did not know it was true.

Q. You have been swearing to things you did not intend to swear to? A. I may have said such a thing.

Q. Will you please reflect a little before you swear so recklessly; now I ask you again, did you not send the name of a man called Marshall? A. I do not know.

Q. Wait a while until I get my question; did you not send to some person or persons, the name of a Mr. Marshall for appointment upon the grand jury as a grand juror? A. I do not know as I did.

Q. Will you swear you did not? A. I will not.

Q. Then we understand you, Mr. Tekulsky, that you are not prepared to swear as to whether or no you did send names to some persons for appointment on the grand jury? A. That is right.

Q. That is right, and you may have done so? A. I may have.

Q. And isn't it likely you did so? A. It may have been.

Q. It is probable now, isn't it? A. It may be so; I do not remember.

Q. It may be so, from the language of this letter, Mr. Tekulsky? A. That is the only thing that makes me believe it is so.

Q. It is so intelligently expressed, "You have done so well with those two, I take the liberty of asking you to try and send

us four more;" the names of the two men you received from Mr. Smith to whom you directed this letter—you sent those names to some person as competent and qualified men to be named for the grand jury, did you not? A. I suppose I did; I suppose I may have; I do not know.

Q. Can't you tell us to whom you sent these names? A. I can not.

Q. Well, was it to some person in office? A. I could not say.

Q. Was it to a person not holding office? A. That I could not say.

Q. To whom would you likely send those names to, for appointment on the grand jury? A. Well, I do not know; I suppose that the chances are I would send them to the district attorney's office.

Q. To the district attorney's office? A. I should judge so.

Q. When you say to the district attorney's office, do you mean to the office as separate from the individual—from the district attorney? A. I would send it right into the district attorney's office, I suppose.

Q. The district attorney's office is quite a large institution, and there are a number of assistants there, and deputies, and clerks; what I want to know is, this business was not connected with the district attorney's office—the sending of names for appointment on the grand jury—that was not the district attorney's business? A. If it is not, that is the first information I have got; I understood it was.

By Chairman Lexow:

Q. You understood it was district attorney's business? A. I understand it now.

By Mr. Goff:

Q. Your present recollection is, you sent the names into the district attorney's office? A. I think I may have, and I may have never done it.

By Chairman Lexow:

Q. Before that letter was read you to-day you substantially admitted on the record here that you had sent names in for appointment on the grand jury? A. No; I do not think that I said that I had; I think, if you read over the evidence, I do not think I said positively I had sent in names.

Q. Well, you did not say positively that you had; your best recollection is you did? A. I may have.

Q. Don't you know that the district attorney of this county tries the very cases in reference to which the grand juries hand in indictments; you know that, don't you? A. Yes, sir.

Q. Do you think it proper, as the representative of an organization, the members of which were brought before the grand jury on the charges, that you should apply to the district attorney, the officer who would try those charges, to secure a friend in court? A. I would say this, that up to the present time, I have always understood that the district attorney was the proper person who selects the grand jury.

By Mr. Goff:

Q. Then at the time you sent these names to the district attorney you were under the impression— A. I do not—

Q. Listen to my question; you were under the impression that you were sending them to the man who had the power of appointment to the grand jury? A. I will not acknowledge I sent them to the grand jury.

Q. Will you deny it; do not repeat my question, please; answer it and do not repeat it; will you deny it under oath there as you are to-day? A. I will deny under oath that it is—

Q. Answer my question; will you deny under oath that you did not send names to the district attorney of this county for appointment on the grand jury? A. I will not.

Q. And at the time you sent those names to the district attorney you then was under the believe, Mr. Tekulsky, that the district attorney was the appointing power of the grand jury in this county? A. Will you allow me one moment.

Q. Certainly, I will allow you? A. When I said the district attorney, it was an error; I did not mean to say the district attorney; I meant to say the sheriff; that is the party I always understood.

Q. That is it; then you correct all your testimony so far as the district attorney is concerned? A. So far as the district attorney is concerned; I mean the sheriff.

Q. Then was it to the sheriff you sent those names? A. If I sent any; I did.

Q. You are clear about that? A. If I sent any names, I must have sent them there.



Q. Who was the sheriff of the county in June, 1891? A. I do not remember now; I can go back—

Q. It was Mr. Gorman, wasn't it? A. I do not know.

Q. Sheriff Gorman? A. I do not know; I could not say.

Q. Have the questions of the chairman, relating to the duties of the district attorney prosecuting indictments found by the grand jury, enabled you to refresh and correct your memory?

A. No, sir.

Q. What? A. No, sir.

Q. Hasn't the fact that that question put to you shown to you the impropriety of your action in sending names to the district attorney for appointment on the grand jury, to an officer whose duty it was to find indictments before the grand jury—hasn't the chairman's question shown you the impropriety of your proceeding? A. Well, no; I don't know as it has; it might.

Q. Has it not become apparent to you from Mr. Lexow's question that if that were the case that you did send names to the district attorney of this county, and that it was his duty to prosecute indictments found by that very grand jury; didn't that immediately impress you with the impropriety of that proceeding on your part, if you did do so? A. Well, it did not strike me that way at all.

Q. When you reflected a little upon it, didn't that strike you? A. No; I did not reflect; but it was because of using the district attorney's office—because I am more in the habit of using the office than I am, the sheriff's office.

Q. But before that I had asked you several times to what person or official you sent these names; you were unable to name any official, and finally you named the district attorney? A. I said probably there was where I sent it.

Q. I understand the qualifications of your answer; now we have got it down that you sent them to the sheriff? A. I may have; I do not say I did; I say I may have.

Q. You will not; when I asked you a little while ago if you would deny— A. No; I can not deny it.

Q. No, you can not deny it; that is fair; that is square; is it not a fact that you did, everything being brought to your recollection, isn't it a fact that you did send it to him? A. I can not say honestly that I did.

Q. Let me read further from this letter, "I take the liberty to ask you to try and send me four or five more names, if you can; you have time until about the middle of July to do it in;" what did you mean by this letter—being dated June 20, 1891—what did you mean by saying, "You have time until the middle of July to do it in;" that is, to send four or five more names?  
A. I could not say.

Q. You must have had some meaning? A. I suppose I did.

Q. You had some intention when you wrote those words? A. I suppose I did.

Q. Now, that the words have been brought to your recollection, and the whole proceedings have been brought to your memory here, can you tell us now what your meaning was in reference to "you have time until about the middle of July to do it in?" A. No; I could not recall it; I do not know.

Q. You must have had some purpose when you fixed the limit to the middle of July? A. I suppose I did have a reason for it.

Q. You did have a purpose; can't you tell us what that purpose was? A. I can not.

Q. Let us see? A. It was a matter that was discussed probably by 10 or 15 people; I do not remember the whole circumstances of the case at all.

Q. It was discussed by 10 or 15 people? A. It must have been.

Q. Who were those people? A. I believe that if you ask Mr. Smith he will give you the names of the committee better than I can; because I do not remember just exactly who was on that committee.

Q. I would like to assist your memory to the best of my ability before we ask Mr. Smith; you say 10 or 15 people; can't you give us the name of one? A. Oh, yes.

Q. Or two? A. Oh, yes; I can give you the name of more than that; I believe Mr. Kohler, Mr. Kersey, Mr. Padgin, Mr. Smith, myself; that is all the names I can think of at present.

Q. Those names were the names of the gentlemen who composed the executive committee? A. No; it was not there; if you will permit me, I will explain what that committee was; that committee was a conference committee of the wholesale liquor dealers and retail liquor dealers, for the purpose of uniting the two organizations, and trying to relieve the trade from oppression; and get up a new excise measure, and different things that occurs.

Q. In connection with the trade? A. In connection with the trade; it was a committee, I think, if I am not mistaken, of five of the wholesale liquor dealers, and five of the retail dealers.

Q. When you say, "Relieve the trade from oppression," do you mean to include in that oppression, the acts of grand jurors of this county, up to that time? A. Everything in general.

Q. That was included? A. I suppose so.

Q. Yes, that was included, and the object was, Mr. Tekulsky, the real object was to get in as many gentlemen on that grand jury as you could possibly get—when I say you, I mean it in the collective sense—in order that the persons that you could induct into the grand jury room would prevent the oppression being practiced on the trade; wasn't that the object? A. I suppose that may have been that.

Senator O'Connor.—How does he qualify that the grand jury was oppressing them by simply indicting for the violation of law?

Mr. Goff.—I do not know. You may ask that question.

By Senator O'Connor:

Q. Did you think the grand jury was oppressing because they indicted men for violating the law? A. There are those distinctions between grand juries and grand jurors; one grand jury will indict every case right along; another grand jury would not indict anybody; that is the distinction between—

Q. What do you call oppression of the grand jury; we want to get rid of that; you mean by that when they found indictments of any one in the liquor traffic who had violated the law? A. Well, we didn't violate the law.

Q. Were indicted? A. Were indicted.

By Chairman Lexow:

Q. What did you suppose would be the result if every association or combination of citizens or individuals, who assumed or supposed indictments would be found against them by the grand jury, interfered with the process of the law and attempted to secure representations on that grand jury in this county? A. I think if they could get honest, upright men, I would not care whether I knew them or not; if their reputation was honest and upright, I think no association nor the city would have suffered; I find that there are men—

By Mr. Goff:

Q. Just excuse me please; the question is answered; Mr. Tekulsky, you said, "I was more in the habit of using the district attorney's office than the sheriff's office;" can you please let us understand what you mean by using the district attorney's office? A. Yes; I have had occasion to try and get you to do things for me.

Q. Yes? A. When you were in the district attorney's office; I had occasion to go there to ask that cases on the calendar be put off, adjourned, for the purpose at the time prior to the passage of the law of 1892, that a person who was charged with a violation of the excise law whether he was guilty or not; it had been in the habit of New York county not to take out licenses in the proper names and that a deal—

Q. Pardon me; I did not catch that answer, "Not to take out licenses in their proper names?" A. Licenses in their own proper names.

Q. That is persons who had been convicted of violations of law? A. Not persons who had been convicted, even when they were charged; I believe the board of excise eight or 10 years ago, ruled that any person charged with a violation of the excise law could not get a renewal of his license; but they could go and perjure themselves and get a license in somebody else's name, and that was what I tried to prevent.

By Chairman Lexow:

Q. You found it was customary to pigeon-hole indictments found against those interested in the liquor traffic, didn't you? A. No; not particulaly.

By Mr. Goff:

Q. Isn't it the fact that from 5,000 to 6,000 indictments have been pigeon-holed in this city, and held over the heads of the liquor dealers as a club to compel them to vote one way or the other way? A. That is absolutely not true, because if that was the case, we could block the district attorney's office so that they could not do any other business.

Q. Who do you mean by we? A. The dealers who had indictments against them; they could never be able try 5,000 or 6,000 cases, and you never could get a jury that would

convict five or six thousand, and the consequence would be the court would be blocked.

By Chairman Lexow:

Q. The reason you deny the proposition put in my question is because of the number of indictments; not the fact, but the number? A. It is the number.

Q. Then if I put the question and limit the number to, say 2,000 or 3,000 indictments, would that be true? A. The same thing; they could not try them.

Q. Isn't it a fact that there are to-day in the district attorney's office in this county all the way from 3,000 to 5,000 indictments for violation of the excise law? A. I do not believe there is.

Q. You don't know anything about it? A. I am pretty sure there is not that many.

Q. You were under examination before in these proceedings? A. Yes, sir.

Q. And you remember certain questions being put to you in reference to interviews between you and Mr. Martin, do you not? A. Not exactly.

Q. And Mr. Croker? A. I do not remember that.

Q. By Mr. Sutherland? A. If you read the questions—

Q. It has been stated, and I want to have your thought on the subject, that after you left the witness stand, after your examination by Mr. Sutherland, you claimed that Mr. Sutherland had not put the questions to you in proper shape; that if they had been put in proper shape, different answers would be secured, and that the committee had been put to sleep by you; did you make any such statement as that? A. Now, in all fairness to myself—

Q. Yes; I want to get you right? A. If you will give me the minutes there, you will see those remarks I said in the witness chair.

Q. I am speaking now in reference to the last question I put to you; as to whether or not upon leaving the stand you stated that you had put the committee to sleep? A. No; I never did; I do not intend to put them to sleep; they do not look like people that could go to sleep; the forepart of your question I stated in the chair

By Senator Bradley:

Q. You have no mental reservation on that point? A. No.

By Chairman Lexow:

Q. You stated that fact, didn't you; you stated if the question had been properly or differently put that another answer would be given? A. If I am not mistaken—I would rather have the minutes read—but as long as you do not seem to make any move to have the minutes read, I believe I stated to Mr. Sutherland that, "You are trying to ask me a question and you do not know how to ask it;" and he wanted me to tell him how to ask it; and I told him I was not here for that purpose; and I was here to answer questions honestly and truthfully; and I was not inquisitive, or something to that effect; I believe you were here; and he was trying to get around some kind of question, and I answered him honestly.

By Mr. Goff:

Q. I simply am treating this one matter of inquiry here, so that we may have the pleasure of having you on the stand at a later date in reference to matters generally; we have no time to go into those matters now, and I would like to close with you as soon as possible upon this question; and I will return to the inquiry; what information had you, or knowledge, at the time you wrote this letter, that Mr. Smith had until the middle of July to send you four or five additional names to be put on the grand jury? A. Well, I could not tell you, really.

Q. You must have had some? A. I suppose it must have been.

Q. Let us see; you had a conversation with some people who were acquainted with the law covering your selection of the grand jury? A. I might, and might not.

Q. Well, but unless you did—unless you had such a conversation, it is not probable that you yourself went to the statute books to find out the laws governing the selection of a grand jury? A. No; I do not think I ever did.

Q. Well, then it is probable that you had some conversations with some person qualified to tell you the fact and the manner of the selection of the grand jurors? A. That I do not remember a thing about.

Q. Is it reasonable to think 'or a moment that you could have had that knowledge without being informed of it by some person? A. No; I think those things came to me more through being a member of the committee; from Mr. Smith; I was vice-president, at that time, of the Central.

Q. I understand; what I want to get at here is a matter of knowledge that is technical in its character, and persons who are not lawyers, who are very well acquainted with the procedure, are not supposed to know how the grand jury is selected; now, you say you were not likely to go to the statute books to ascertain; therefore, you must have had a conversation, or received information from some person who was competent to give it to you? A. I may have; I can not say I did not.

Q. Is it likely you did? A. I may have; yes, it is likely.

Q. Was it not an understood thing by yourself and other gentlemen connected with you in the trade, to try and get as many men as possible upon the grand jury that would look upon trade questions going before the grand jury—excise questions—in a more lenient way than they had been treated before? A. It would not surprise me a bit if that was so.

Q. It is likely it was so? A. It is likely it would be so.

Q. Since you have already stated that it was generally understood that the grand jurors up to that time had been oppressing you, now, isn't it probable that you gentlemen set to work to devise means to prevent that oppression from continuing? A. I do not doubt it; I do no doubt it a bit.

Q. Well, one of those means was to introduce, as members of the grand jury, men engaged in that trade, in the wholesale department of it particularly? A. No; I do not believe it was.

Chairman Lexow.—Is that material, as long as they introduced somebody who was favorable to the trade?

Mr. Goff.—I was coming to that question now. As a matter of fact gentlemen were named. I do not hesitate to say, not as affecting the character or reputation of the gentlemen named at all. I simply state the fact that they were named.

The Chairman.—I think we can all see a hole in a wall when it appears.

The Witness.—Was this gentleman you named — "Marshall" — a wholesale liquor dealer.

By Mr. Goff:

Q. No, sir; I will be very frank in telling you there was no such name as Marshall; that was a coinage of my own, just to test your memory? A. No.

Q. For sufficient reasons to myself I have not mentioned the real names of the gentlemen whose names were sent to you; but what we are interested in just now, Mr. Tekulsky, is to find out the channel through which you inducted those names into the grand jury? A. I could not really tell you; I do not know as they ever went to the grand jury; I do not know as they were presented.

Mr. Goff.—We will say they were, Mr. Tekulsky.

By Chairman Lexow:

Q. The letter seems to indicate that at least two were employed as grand jurors? A. "I have received them;" that was what the letter said; I don't know whether I ever gave them to them.

By Mr. Goff:

Q. When you say here, "You have time until about the middle of July," were you not then aware of the fact that the judges and officials whose duty it was to select the grand jury for the jury year commencing October 1, 1891, held their meetings for that purpose in the latter end of July or the early part of August? A. No—I may have; I don't know; I do not know it now to be so.

Q. You are fixing the middle of the month of July as the limit of time the names had to be sent to you; that would indicate that you at that time was in possession of the knowledge? A. I may have had some knowledge; I don't know.

Q. It is very probable you had? A. Probably so.

Q. Certainly; you would not have written that without having some point and purpose in writing? A. I suppose that is so.

Mr. Goff.—That will do, unless the committee wishes to ask any questions.

The Chairman.—No questions. That is all, Mr. Tekulsky.

Senator Cantor.—Mr. Goff, Postmaster Dayton is here.

Mr. Goff.—I want to see Mr. Dayton personally, if you will



excuse me a moment, until I examine Mr. Smith. He wants to get away.

John P. Smith, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. What is your business? A. I am the editor of the Wine and Spirit Gazette.

Q. Now, Mr. Smith, I tried to get this letter from you quite a while ago, and I failed? A. Yes, sir; I know you did.

Q. And you would not surrender it to me until you had to under a subpoena duces tecum? A. Yes, sir.

Q. You remember the reception of this letter from Mr. Tekulsky? A. I do.

Q. And do you remember having had a conversation with Mr. Tekulsky? A. I do.

Q. Before the reception of this letter? A. Yes, sir.

Q. Will you tell us what that conversation was? A. In the early part of 1891, Mr. Tekulsky came to me saying that the trade had not received proper consideration from the grand jury, and suggesting to me to give him some names, not liquor dealers, but of real estate dealers, for instance, who had stores in which liquor was sold, to be placed on the grand jury list; I then asked him, "How can you you accomplish this;" and he said, "Never you mind, you just hand in these names."

Q. Was that action the result of any conference held between the Wholesale Liquor Dealers' Association and the Retail Liquor Dealers' Association? A. No, sir.

Q. It was purely a personal transaction between you and Mr. Tekulsky? A. Yes, sir.

Q. Mr. Tekulsky said here that the subject was talked of between the committee of the retail and the wholesale liquor dealers' associations, and he gave some names which I now forget; do you know of any such conference? A. Well, there was a conference committee appointed, but I do not think the subject was discussed in that conference; but I want to say that at that time I was secretary of the Wholesale Liquor Dealers' Association, and he may have spoken to me in that capacity.

Q. You being secretary of the Wholesale Liquor Dealers' Association, if such a subject had been formally discussed or conversation had between the conferrers, would you have known of it? A. I would.

Q. And do you say now that such a subject was not discussed? A. Not to my knowledge.

By Chairman Lexow:

Q. You mean to say that your position was such you would have known of it if it had been discussed? A. I attended every meeting of the conference committee.

Q. As matter of fact, you can say it was not discussed? A. I do not remember it.

Q. And the only recollection you have upon the subject is the conversation Mr. Tekulsky had with you? A. Yes, sir.

By Mr. Goff:

Q. Now, in response to that conversation, did you send Mr. Tekulsky any names? A. I did.

Mr. Goff.—For certain reasons, Mr. Chairman, I do not wish now to ask for those names.

Chairman Lexow.—You just want to establish the system; that is all.

Mr. Goff.—I want to establish the system.

By Mr. Goff:

Q. You sent him how many names? A. I sent him two, I think, first.

Q. This letter says, "Yours with names was duly received yesterday. You have done so well with those two I take the liberty to ask you to try and send me four or five more;" did you send any more? A. I did.

Q. Did you attach any importance to this clause of the letter, "You have time until about the middle of July to do it in?" A. In what way?

Q. As to the limit of time that you had to send the names in so that they could be appointed on the grand jury for the coming year? A. I acted on the supposition that that was the limit of time that the names could be sent in and acted upon.

Q. And acted upon that; you assumed that Mr. Tekulsky knew

what he was writing about at the time? A. I suppose so; yes, sir.

Q. Did Mr. Tekulsky say anything to you at that conversation, or at any other conversation, relative to so called oppression by previous grand juries? A. He did.

Q. And what did he say in that regard? A. He said that former grand juries had not properly considered questions of trade that might come up in the grand jury room.

Q. And did he say in substance that the object in getting gentlemen whose names he asked you for was to try and have a more favorable consideration given to these questions in the grand jury room? A. He did.

By Chairman Lexow:

Q. More lenient action by the grand jury on violations of the excise law; that is what it comes down to, isn't it? A. Yes.

Q. In other words if a man in the liquor trade is charged with commission of crime with reference to excise violation, that the grand jury should be so fixed that they would regard that more favorably than an ordinary grand jury would? A. He did not use the word "fix."

Q. I understand that; is that the idea; is that the idea of it? A. Yes.

The Chairman.—You have not asked whether those men were appointed on the grand jury, Mr. Goff.

Mr. Goff.—I have not asked this witness that.

Q. Well, have you any knowledge about that, Mr. Smith? A. Yes; I know two received summonses on the grand jury.

Q. They received summons as grand jurors? A. Yes, sir; two personal friends of mine.

By Chairman Lexow:

Q. Do you know as to whether or not they actually served as grand jurors? A. That I can not tell.

Q. By your recommend they were subpoenaed? A. They were subpoenaed as grand jurors.

Senator O'Connor.—In other words the appointing power selected these names suggested.

Mr. Goff.—Yes, and put on the list, and at each term of the court there are about fifty drawn from that general list—50

names, and from that 50 names, the presiding judge of the court selects 23 who act as grand jurors for this county.

Senator O'Connor.—Did I understand you before, who makes up the grand jury panels, the various chief judges of the city?

Mr. Goff.—The chief judges of the courts and all the judges of the criminal courts.

Chairman Lexow.—And the county clerk?

Mr. Goff.—And the county clerk; and I think the commissioner of jurors. At one time the commissioner of jurors was not by statute, but I think now he is one of the number; they constitute the board, and the law contemplates that they should all be present at the time the list of grand jurors for the next year is made up. As I said before that list is made up by the selection of names, or the suggestion of names by any of the officials present.

Senator O'Connor.—So, as matter of fact, grand jurors suggested in the way this correspondence show they were, must have been taken by some of these chief justices; they must have accepted the suggestion of outsiders in stating the man they named.

Mr. Goff.—I did not catch that.

Senator O'Connor.—I say that it results from the exposition here that these chief judges must have accepted the suggestions of outsiders, and put the names on.

Mr. Goff.—Yes, and further than that, it has developed in a certain judicial investigation in this city touching the fees of the grand jury, that the board has been in the habit of adjourning, or at least appointing a sub-committee—three of their board—to which committee they send the names they want put on the list of grand jurors.

Chairman Lexow.—What number?

Mr. Goff.—A number for the selection of grand jury. They generally depute or delegate the work of the whole board to a sub-committee of three, and they send the names they want on the list of grand jurors to these three.

Chairman Lexow.—And this is the method whereby those that are charged, or about to be charged, with crime pack the grand jury in their own interest.

Mr. Goff.—That is about the size of it. Then it is proper to say that the sub-committee has been almost invariably composed of the commissioner of jurors, county clerk, and a judge—I do not wish to name.

Senator O'Connor.—How many criminal courts have you in this city?

Mr. Goff.—We have only one criminal court of a superior jurisdiction, that is the Court of General Sessions, and the Court of Oyer and Terminer, which is presided over by a justice of the Supreme Court.

Senator O'Connor.—This principal criminal court is presided over by a recorder.

Mr. Goff.—Who is known as the presiding or senior judge of the court.

Chairman Lexow.—But as a matter of fact, Mr. Goff, these names are merely produced before the judges by the clerk, are they not?

Mr. Goff.—They are supposed to be.

Chairman Lexow.—By the clerk, so that the judges themselves may not necessarily know that the suggestion is made either by the Liquor Dealers' Association or by any other individual in the community.

Senator O'Connor.—That would result in the clerk himself making the appointments.

Chairman Lexow.—That is about the size of it.

Mr. Goff.—I am informed by Mr. Moss here—I do not speak of this from my own knowledge, but I rely on his statement as my own—that in the investigation as to the compensation of a certain grand jury in 1893, that protests were sent to all the chief judges against the presence of certain men drawn upon the grand jury, and all of the judges replied, which reply you have, which replies are in existence now, that the protest had been sent to the judge who was chairman of the sub-committee, so that it finally limited itself down to one man, and that judge who was the chairman of the sub-committee was a judge of a criminal court.

Senator O'Connor.—Did they take any steps to punish the men that protested against the grand jurors?

Mr. Goff.—Well, yes sir. Yes, there were steps taken, and the very grand jury that was impaneled, with these very persons, the very men against whom the protest had been entered, came within an ace of indicting the protesters.

Senator O'Connor.—Came within an ace; that is as good as a mile.

Mr. Goff.—Well, sir, it is no harm to say that they were very near being indicted as near as they could possibly go.

Senator Pound.—Is it not a fact that individuals seek to get on the grand jury, and use every means in their power to be appointed on the grand jury, and that organization and the people undertake to get other individuals appointed on the grand jury; and in that way interfere, if you might call it so, in the making up of the grand jury to a far greater extent than these gentlemen who protested against certain men being placed thereon.

Mr. Goff.—I think, Senator Pound, that is substantially true. Protests against individual grand jurors have been very few in the city of New York, because we are all too busy here to look after such things.

Chairman Lexow.—I can not see, however, the criminality of a protest against a bad and corrupt system. If a man has not got the right of protest, I do not know what is left him.

Senator O'Connor.—They did not protest against the system, but certain individuals that had been named.

Senator Pound.—The point is, while they seek to get individuals on the grand jury, that is not considered a matter of consideration as long as a protest is made against certain men being on it. The point was made that that was an offense and crime, and they should be indicted.

Mr. Goff.—However, I think, gentlemen, that we deem it our duty to bring this matter before your attention, and having due regard for the names and reputation of the gentlemen who may not be responsible that their names had been sent in this way, kept from being published here in the proceedings.

Chairman Lexow.—They may not know it at all.

Mr. Goff.—That is what I say—for fear it might be an injustice on them. The question is, gentlemen, that we have here in the city of New York a system of selecting grand jurors that is antiquated, cumbersome and prolific of abuses and dangers that have been testified to here on the witness stand to-day. I think it is a question for the Legislature of this State that this so-called palladium of our liberties should be in the condition that it is and has been shown.

Chairman Lexow.—Do you want to take a recess now?

Mr. Goff.—That will do, Mr. Smith. Mr. Smith, now that I have that letter I will keep it to have it put on the records in its proper way. It is in charge of the committee and I will return it to you as soon as we get through with it. Now, will you warn all witnesses to be here at half-past 2 o'clock.

Chairman Lexow.— All witnesses subpoenaed for this morning or under subpoena here to-day will attend here again at half-past 2 o'clock.

Mr. Louis J. Grant.— Mr. Chairman, before you adjourn, by direction of Commissioner Sheehan, and in justice to a gentleman whose name was mentioned here yesterday, I desire the privilege of placing on the records of this committee, a sworn affidavit or statement in regard to a matter that was brought out yesterday; and in making this suggestion I bear in mind the fact that as far as Mr. Goff is concerned — and knowing from my personal experience that Mr. Goff is incapable of wrongfully accusing or having an imputation of wrong hang over the head of any individual — having that in mind I make this motion for this privilege; and I feel Mr. Goff as counsel for this committee, will not oppose.

Chairman Lexow.— Has Mr. Goff seen the affidavit?

Mr. Grant.— No; I will tell Mr. Goff. It is simply on the question of the suggestion that was made yesterday in connection with Sergeant Townsend's appointment, and a question of \$6,000 having been intimated or suggested as having been paid, or some such amount.

Chairman Lexow.— There is no evidence on that subject that would imply a conclusion at all of this committee on that question; that was hearsay entirely.

Mr. Grant.— The point was made or the suggestion was made, and Commissioner Sheehan was examined on that point, and I have simply here the sworn testimony; and the chairman will also remember that the question was put to Mr. Sheehan if he did not know that about the time of the sergeant's appointment he had been paid \$6,000 from some insurance.

Chairman Lexow.— There is no evidence before this committee showing evidence of that fact as a fact.

Senator Cantor.— The record will be sufficient after the statement of the chairman.

Chairman Lexow.— You do not claim there was any direct evidence implicating the sergeant or Mr. Sheehan in this matter.

Mr. Goff.— So far as the record goes I do not wish to commit myself what I claim.

Chairman Lexow.— But so far as the record goes.

Mr. Goff.— So far as the record goes; but I take this position; and I take the same objection to Mr. Grant filing an affidavit as

I did to Mr. Gerry filing an affidavit; I object to any matter being placed on the record here unless a witness goes on the stand.

Chairman Lexow.—I understand that there is no proof that sustains that fact.

Mr. Grant.—Sergeant Townsend felt a little delicate about that fact; and I wanted to have the record straight in regard to the matter.

Chairman Lexow.—We stand adjourned until half-past 2 o'clock.

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### AFTERNOON SESSION.

November 1, 1894.

Present, Senator and counsel as before.

The Chairman.—I understand that Postmaster Dayton is here, Mr. Goff; and would like to get away as soon as he can.

Mr. Goff.—All right, sir; is Mr. Dennett in court; Mr. Dennett please take the witness-stand?

Arthur F. Dennett, called as a witness on behalf of the State, and examined by Mr. Goff, testified as follows:

Q. You have been endeavoring to serve a subpoena to-day?  
A. I have; yes, sir.

Q. On whom have you endeavored to serve a subpoena? A. I have been trying to serve a lady up on Lexington avenue.

Q. What is her name; have you got her subpoena with you?  
A. I left it over to the office; it is a French madame.

Q. Do you know the name of that place? A. Lexington avenue and Thirtieth street.

Q. Has it any particular name? A. Hotel Tortoni.

Q. Tortoni; Madame Chaude? A. Yes, sir; that is the name.

Q. Were you able to serve her? A. I was not; they claimed she was not in town.

Q. Is the clerk of that place here; is the clerk of the Tortoni here; did you bring him here? A. I served him, and he promised to come down immediately.

Q. You were informed she was not in New York? A. I was so informed.

Mr. Goff.—Is Joseph Lambertz here? (Witness responds "here.")



Joseph Lambertz, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. Where are you employed? A. One hundred and sixty-one Lexington avenue.

Q. What is the name of the place, or description of the place, you are employed in? A. Maison Tortoni.

Q. How long have you been employed there? A. A little over five years; five or six years.

Q. In whose name is the license for that place? A. A. L. Louis.

Mr. Goff.—Is A. L. Louis in court? (No answer.) A. L. Louis. I wish to note the failure of A. L. Louis to appear.

The Chairman.—The stenographer will mark on the record August L. Louis was called at 12 minutes after 3 p. m. and failed to respond.

Q. What is Mr. Louis' business? A. He is a butcher.

Q. Where is his place of business? A. In Ninth avenue; I don't remember the number.

Q. Well, Madame Chaude is the proprietress of that place, isn't she? A. Yes.

Q. And the license for the place is in the name of this Louis, the butcher? A. Yes, sir.

Q. For how long a time has the license for that place been in his name? A. May be for four years; I guess four years; I don't remember exactly.

Q. Well, now, as matter of fact, he has nothing to do at all with the business there? A. Who?

Q. Mr. Louis? A. Oh, no.

Q. Madame Chaude is the proprietress and pays you your salary? A. Yes, sir.

Q. Receives the money? A. I am there, the bookkeeper, you know.

Q. You are the bookkeeper? A. Yes, sir.

Q. Then, of course, you know the money taken in to the place is paid to Madam Chaude? A. I have the bank account in my name.

Q. The bank account in your name? A. The bank account.

Q. But, as matter of fact, Mr. Lambertz, Madame Chaude

is the proprietress in that place? A. Yes, certainly; I said that already.

Q. Do you know who has paid the fee for the license there every year since you have been there? A. I paid myself.

Q. Out of the funds in your keeping as the bookkeeper of that place? A. Yes, sir.

Q. Louis has not paid for it? A. No; I did myself.

Mr. Goff.—That will do. Do not leave the court-room.

Chairman Lexow.—That is all right, sir. Stay here.

Mr. Goff.—Is Mr. George Mitchell here?

George P. Mitchell, called as a witness on behalf of the State, being duly sworn, testified as follows :

Examined by Mr. Goff :

Mr. Goff.—The nonarrival of necessary witnesses on the matter that I questioned the last witness upon, compels me to divert for a while to another subject until their arrival.

Q. Mr. Mitchell, what is your business? A. Liquor business.

Q. How long have you been in the liquor business? A. Five or six years.

Q. Where is your place of business? A. Two hundred and sixty-one Broadway.

Q. Is it wholesale or retail? A. Wholesale.

Q. Before you were in the liquor business, what was your business? A. I was manager up in Theiss', in Fourteenth street.

Q. How long were you manager there? A. Three or four years.

Q. Were you ever employed by the Holleywood whisky, people to sell their whisky? A. Yes, sir.

Q. For how long a period? A. I should think about four years.

Q. In what capacity? A. As an agent.

Q. As agent; were you confined to any particular territory? A. No, sir.

Q. Sell all over? A. Yes, sir.

Q. Well, the principal place of sale you found was in New York city? A. Yes, sir.

Q. Was there any particular class of trade that you sold Holleywood whisky to? A. No, sir; sold everybody.

Q. To everybody you could? A. Yes, sir.

Q. Were you directed by your employers to apply to any particular class in the trade? A. No, sir.

Q. Who were your employers? A. Mr. Theiss.

Q. What position does he occupy in the business? A. He is the president of the company, I believe.

Q. Were you ever told to solicit trade, or to represent any person whose custom you sought, that any police official in this city was interested in the sale of Holleywood whisky? A. No, sir.

Q. Did you ever hear that before? A. No, sir.

Q. Is this the first time you heard of it? A. I heard of it; I seen it in the papers, but I don't know anything about it.

Q. You saw it in the papers at the time you were soliciting sales? A. I saw it in the papers; but I do not know anything about that.

Q. What was the rate of compensation? A. A salary; I was under a salary.

Q. You were under a salary? A. Yes, sir.

Q. Was there anything ever said to you by any person to represent to parties in the trade that if they bought Holleywood whisky they would be in any way protected from prosecution for violation of the excise laws? A. No, sir; I never knew anything of that kind.

Q. Did you ever hear anything of that? A. No, sir.

Q. Have you any knowledge of what the original cost per gallon of the spirits which was used in the manufacture of Holleywood whisky cost? A. No, sir.

Q. What was the price per gallon that you charged? A. Well, we used to have different prices; from \$2 up to \$6 or \$7 a gallon.

Q. Did you ever get a list of names given to you by any person to approach to solicit trade from? A. No, sir.

Q. Did you ever direct your attention to particular avenues or streets in which to solicit trade? A. No, sir.

Q. Or particular localities of this city? A. No, sir.

Q. Have you ever told any one that you did? A. No, sir.

Q. Have you ever said anything to any one about your recognizing the fact that your trade was largely increased because it was understood certain police officials were interested in it? A. No, sir.

Q. Did you ever say so to any one? A. No, sir.

Q. Are you sure? A. I don't remember it; that I ever said so; not as I remember it, I ever said so.

Q. Don't you think you would remember if you had said so; did you say so? A. No, sir.

Q. You swear to that positively? A. Yes, sir.

Q. Did anyone ever speak to you while you were selling; did anyone talk to you on the subject of a police official being interested in the sale of Holleywood whisky? A. The paper said so; but I do not know anything about it.

Q. Please understand my question; I am asking you if you were ever spoken to by any person on the subject of certain police officials being interested in the whisky that you were a salesman for? A. No, sir.

Q. You swear to that positively? A. Yes, sir.

Q. That you were never spoken to? A. Yes, sir; I was spoken to.

Q. Pay attention to my question? A. Yes, I was spoken to.

Q. Do you remember who spoke to you? A. No, sir.

Q. You do not remember anything about it? A. No, sir.

Q. Do you remember what you said when you were spoken to? A. I don't remember; I may have said that — they may have asked if certain officials —

Q. Do you remember what you said? A. No, sir.

Q. A little while ago you did not remember if anyone spoke to you, and now you remember they did? A. They might have spoken, but I don't remember anything about it.

Q. You confine yourself to my question; when you were spoken to on the subject of certain police officials being interested in the sale of Holleywood whisky, didn't you say that you knew they were, and it was on that account that you were enabled to make such good sales in certain classes of saloons? A. No, sir.

Q. Will you swear you didn't say that? A. Yes, sir.

Q. Or in substance or anything like it? A. Yes.

Q. You swear to that positively; at no time? A. Yes, sir.

Q. You swear you never stated to any person — I want you to be careful — to any person that you knew of your own knowledge that certain police officials of this city were interested in the sale of the Holleywood whisky that you were a salesman for; now think of it before you answer it? A. No, sir; I don't know of any.

Q. Will you swear that you never said to any person that you knew that certain police officials of this city were interested in the sale of the Holleywood whisky; now reflect on my question? A. I do not, sir; I never said so.

Q. Will you swear you never said to any person those words, or anything in substance? A. Yes, sir.

Q. You clearly put yourself on record that you never did? A. Yes, sir.

Q. In any manner, shape or form? A. Yes, sir.

Q. Or that you never mentioned certain police officials or their names in connection with the sale of Holleywood whisky to any person? A. Yes, sir.

Q. You are clear about that? A. Yes, sir.

Q. You understand my question, don't you? A. Yes, sir.

Q. Don't be coming here after, and saying you did not understand; you understand my question thoroughly? A. Yes, sir.

Q. And your understanding is, and you mean to swear that you never mentioned the fact that certain police officials were interested in the sale of that whisky? A. Yes, sir.

Mr. Goff.—That is all.

Chairman Lexow.—That is all, sir.

Mr. Goff.—Is Mr. Winters here, Guion M. Winters; is Julius Webber here; is Officer Corey here; (the officer responds "yes.") is Mr. Huntoon here; now, officer, will you step outside a moment into the corridor please? Mr. Huntoon take the witness-stand.

Moses Huntoon, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. What is your business? A. Superintendent.

Q. What is the business of which you are superintendent? A. Of the National Ice Company.

Q. The National Ice Company? A. Yes.

Q. I hope that the ice has not chilled your voice? A. Not very much, I don't think.

Q. Were you ever in the tea business? A. No, sir.

Q. Where is your place of business? A. Foot of Horatio street.

Q. How long have you been in that business? A. Ever since I worked at it.

Q. How long have you been in the ice business? A. Since 1860.

Q. Well, do you know Officer Corey; that officer that stood up here? A. Yes, sir.

Q. Was he ever in your employ? A. He was in our employ, my brother and myself together, a business separate from where I am working.

Q. Was that the ice business too? A. Yes, sir.

Q. Well, I want to relieve you as quickly as possible and let you away; I suppose you are anxious to go to your business? A. Yes, sir.

Q. Do you remember when the officer applied for appointment on the police force? A. Yes, sir; I remember about the time.

Q. Now, do you know if Officer Corey used any money to get on the police force? A. I do not.

Q. Did you read it? A. Hear of it.

Q. At that time? A. Yes, sir; I heard of him at that time.

By Chairman Lexow:

Q. Heard of him using money? A. Well, used money at that time, but what he used it for I could not say.

By Mr. Goff:

Q. That is what I want; of course, I know you will tell us the whole thing; tell it to us in your own way? A. Mr. Corey came to me and said he wanted to borrow \$300 for a few days; I gave him my check for \$300.

Q. Was there anything said between you by Corey that he was an applicant for appointment on the police force? A. No, sir; there was not to me.

By Chairman Lexow:

Q. But you knew he was an applicant? A. I knew he was appointed on the police.

Q. You say not you, to whom did he make that statement? A. I don't know whether he did to any one; my brother was away at the time; he probably would have gone to him if he was home; he carries on a business separate from mine.

By Mr. Goff:

Q Do you remember that Corey was appointed on the force shortly after you gave him the check? A. Yes, sir.

Q. Was the check returned to you with his indorsement on it? A. Yes, sir; the check was returned.

Q. And through the bank? A. Yes, sir—no, the check was returned to me; he did not draw the money.

Q He did not draw the money? A. No, sir.

Q. What did he say when he returned the check to you? A. He left the check in my brother's office and they told me he did not use the money, and he returned it to me.

Q. Was the check made payable to his order? A. Yes, sir.

Q. To Mr. Corey's? A. Yes, sir.

Q. Do you remember if there was something said at the time, that he wanted the cash money and not the check; that he was afraid to use the check? A. There was not anything said to me; he said he wanted to get the \$300 and I wrote him a check and left it there at the office.

Q. And that is all you know about it? A. That is all I know.

Q. You have told me all you know about it? A. That is all I know.

Mr. Goff.—Now, that will do. Will you please take a chair? Call in that Officer Corey.

Harvey D. Corey, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. Now, Officer Corey, what did you do with the \$300 you got from Mr. Huntoon? A. I let my father have it.

Q. What? A. I let my father have it.

Q. You let your father have it? A. Yes, sir.

Q. Is your father living? A. Yes, sir.

Q. And what is his business? A. He is a farmer.

Q. Where is his farm? A. In New Hampshire.

Q. How did you send it to him? A. I sent by my sister.

Q. By your sister? A. Yes, sir.

Q. What is your sister's name? A. Emma.

Q. Emma Corey? A. Yes, sir.

Q. Where is Emma Corey? A. She is in New Hampshire.

Q. Just give us the particular address, the village? A. Lisbon, New Hampshire.

Q. What is your father's name? A. William.

Q. What county? A. Grafton county.

Q. Lisbon, Grafton county, New Hampshire? A. Yes, sir.

Q. Emma is there now? A. No, sir.

Q. Is she a single lady? A. No; she is married now.

Q. What is her marriage name? A. Dexter.

Q. Was she married at the time you gave her the \$300? A. Yes.

Q. She was? A. Yes.

Q. Does she live with her father? A. No, sir.

Q. Where does your father live? A. My father lives in Lyman, New Hampshire.

Q. What county? A. Grafton county.

Q. What is your father's full name? A. William.

Q. William Corey, Lyman, Grafton county, New Hampshire; was your sister Emma in New York when you received the \$300 from Mr. Huntoon? A. No; she was not here then.

Q. How shortly after did she arrive? A. Well, I was up there, and she came back with me; and she took it home.

Q. Were you up there at the time you got the \$300 from Mr. Huntoon? A. No, sir; I was not up there when I got it; I was in New York when I got the money.

By Chairman Lexow:

Q. Did you get the money before you went up there? A. Yes, sir; I got the note before I went up there.

Q. And then you took it up there? A. Yes, sir.

Q. And brought it back with you? A. Yes, sir.

Q. And gave it to her? A. No; I did not give that to her; I gave that back to Mr. Huntoon.

By Mr. Goff:

Q. Let us get this thing clear, officer; of course, we all know you are trying to tell the truth? A. That is what I am here for.

Q. Now, in your efforts to tell the truth, officer, tell us the whole story about this \$300 in your own way, because we have got the utmost confidence in you; tell it in your own way? A. Well,—

Q. Just from the commencement to the end to save time? A. I don't know the time; I don't know the dates.



Q. I mean to say the time of the committee; give us as nearly as possible, as you can recollect, the dates and all the circumstances connected with it? A. I can not tell you the dates.

Q. Tell us the story? A. My father wanted the money and at the time I could not get money out of the bank at that certain time, and so I —

Q. Give your hand a rest? A. So I borrowed it from Mr. Huntoon; I got a check and I had it indorsed and I went home with it

Q. Went home with the check? A. Yes, and went home with the check, but they did not care about cashing it up there, so I brought it back, and at that time a notice came from the bank and I sent the money home, and sent the check back to Mr. Huntoon.

Q. How many years ago was that? A. Oh, that is — it was last fall.

Q. Eighteen hundred and ninety-three? A. Eighteen hundred and ninety-three.

Q. Officer, you make me nervous with your hands? A. I will take them off then.

Q. No. don't take them off, officer, but I wish you would recognize that you are here as a witness under oath, and I wish you to be as much at ease as you possibly can, for your own sake; now, this was last fall? A. Yes, sir.

Q. That is in the year 1893? A. Yes.

Q. How long were you on the police force? A. I was appointed the 25th of last October, that is a year ago this — I was on a year the 25th of last October.

Q. Eighteen hundred and ninety-three? A. Eighteen hundred and ninety-three I was appointed.

Q. Who recommended you for appointment? A. Who recommended me?

Q. Yes? A. Coroner Messemer.

Q. No other gentleman besides Coroner Messemer? A. No, sir.

Q. Don't you have to have five citizens or three citizens on your papers? A. Yes, sir; I had five sign them.

Q. Had five sign your papers? A. I had John Wilson.

Q. Wilson? A. Woolson, and I had Morris Solomon and George Schaeffer and Fred Larkin.

Q. Did you go to any person to secure your appointment except

Coroner Messemer? A. No, I had only a letter from him to the commissioner.

Q. What? A. I only had a letter from him to the commissioner.

Q. Did you know Coroner Messemer before that? A. Oh, yes.

Q. Was he the first man you went to for the purpose of getting an appointment on the police force? A. Yes, sir.

Q. And the only one that you spoke to to use influence for you? A. Yes, sir.

Q. What commissioner did he write to recommending you? A. Commissioner MacLean.

Q. Commissioner MacLean? A. Yes, sir; MacLean.

Q. Well, was that before you went up to New Hampshire? A. That he recommended me; that I put my application in?

Q. Yes? A. Yes; that was before I went.

Q. And from the time you put in your application how long was it until you received the appointment? A. A little over a year.

Q. Well, we presume you passed a good civil service examination, did you not? A. Well, yes; I must have.

Q. Your voice has got away down and remember when you are at roll call you have to answer out pretty loudly; how frequently were you on the eligible list? A. I was never on the eligible list only once.

Q. Once? A. Yes.

Q. Were you not a little anxious being so long waiting from the time of your application until your appointment? A. Oh, no; I was working all the time.

Q. What were you working at? A. Working at the ice business.

Q. Then you made your application in 1892; sometime in 1892? A. Yes.

Q. Now tell us when you went to New Hampshire in 1893 as near as you can recollect? A. Since September, I think.

Q. September, 1893, you went to New Hampshire; now from the time you first made your application and passed the civil service examination, when next did you hear anything at all about your appointment? A. Well, I—

Q. Raise your voice, please? A. What do you mean, before I got on the eligible list.

Q. Yes? A. Well, I think it is the first of the year; I think about a year before I was on the eligible list.

Q. It was a year before you got on the eligible list; and how

did you hear you got on the eligible list? A. I had a paper sent to me, a percentage.

Q. After the papers were sent to you, what did you do? A. I kept them.

Q. Did you see anybody? A. No, sir.

Q. Did you tell anybody? A. Oh, I might have told some one.

Q. What? A. I might have told some one, some of my friends.

Q. Did you see Coroner Messemer? A. No, sir.

Q. Or anyone belonging to him, or representing him? A. No, sir.

Q. At the time you went to New Hampshire in September, had you received notice you were on the eligible list? A. No—yes, I think I had.

Q. And when you went to New Hampshire you got this check? A. Yes.

Q. From Mr. Huntoon? A. Yes, sir.

Q. How did you come to get a check for \$300 from Mr. Huntoon? A. How did I get it?

Q. That is my question? A. Well, I wanted to let my father have it.

Q. Why did you want the sum of \$300? A. That is what he needed; that is the amount he needed.

Q. How did you know he needed that sum? A. He wrote to me.

Q. Where is the letter? A. I don't know where the letter is now.

Q. Will you swear you received a letter from your father? A. Yes, sir.

Q. Where he said — you are perfectly willing, but wait until I finish my question; will you now swear you received a letter from your father, in which he said he needed \$300? A. Yes, sir.

Q. Did anyone see that letter except yourself? A. I don't think they did.

Q. Did your father write that letter? A. My father or my mother; I don't know which wrote it; it might have been my mother wrote it.

Q. Can your father write? A. Yes, sir; he can write; but my mother generally writes the letters.

Q. Do you know whether it was in your mother's handwriting? A. I think it was my mother's handwriting.

Q. Did the letter say what he wanted the money for? A. To pay toward his farm.

Q. To pay toward his farm? A. Yes.

Q. What did he owe on his farm? A. Well, I let him have \$500 altogether.

Q. I am not asking you what you let him have; what did he owe on his farm? A. Well, I don't know he owed any more than the \$300 or not.

Q. I am not asking you what you knew? A. I don't know what he owed; I do not know how much he wanted to pay on his farm.

Q. How do you know he wanted to pay it toward his farm? A. That is what he wrote me; that he needed it to pay toward his farm.

Q. Those words were used in the letter to you? A. Yes, sir.

Q. You swear to that? A. Yes, sir.

By Chairman Lexow:

Q. Didn't you say that about that time that you wanted \$300 for your appointment on the police force? A. No, sir.

Q. To anybody? A. No, sir.

Q. You swear that you never used words substantially the same as those? A. Yes, sir.

Q. At that time? A. Yes, sir.

By Mr. Goff:

Q. Did you ever tell anybody that you paid money to get on the police force? A. No, sir.

Q. Did you ever tell any person, in any place, or at any time that you had to pay any sum of money to get on the police force? A. No, sir.

Q. You appreciate that question, don't you? A. Yes, sir.

Q. You want to go on record; don't come here to-morrow or the next day and say you want to correct it; you understand it, don't you? A. Yes, sir.

Q. Where is your father stopping now? A. He is stopping in New Hampshire.

Q. How long is it since he was in New York? A. My father? My father has never been in New York — not for the last fifteen years.

Q. Let us see, officer; after you got your father's letter, you went and asked Mr. Huntoon for it, for \$300? A. Yes, sir.

Q. That you wanted \$300; and he gave you a check? A. Yes, sir.

Q. And that check was made payable to your order? A. Yes, sir.

Q. Had you ever sent your father money before the time you were in New York? A. I had sent him \$200.

Q. How, in what shape? A. I sent that in a registered letter.

Q. In a registered letter? A. Yes, sir.

Q. What was it; in money? A. Yes, sir; it was two one hundred dollar bills I sent him.

Q. When you got this check from Mr. Huntoon it was to your order? A. Yes, sir.

Q. Why didn't you get it cashed? A. I got it indorsed.

Q. Why didn't you get it cashed? A. I thought I would get it cashed after I got home.

Q. Why didn't you get it cashed, now answer my question, sir? A. Because I thought I would wait until I got up there, and get it cashed in New Hampshire.

Q. Now you are at your hands; will you please stop; did you endorse that check? A. No, sir.

Q. Will you swear to that; that you put your name on the back of that check? A. No, sir; I did not put my name on the back of it.

Q. You swear to that positively; now think; I do not want more perjury against you than is necessary? A. I had it indorsed at the bank, I know.

Q. I am asking you, sir, if you swear you did not put your name on the back of that check; that is my question? A. I do not think I did.

Q. Will you swear you did not? A. I could not swear I did not; no, sir; but I don't think I did.

Q. You won't swear, but you put your name on the back of that check; since you knew your father could not use the check in New Hampshire, I ask you again why you did not obtain the money upon it here in New York, where Mr. Huntoon was known, and where you are known? A. Because I thought it would be just as well to give it back to him and get mine out of the bank, as the time was expired.

Q. Why did you not give it back to him before you went to

New Hampshire? A. Because I could not get the money out of the bank then.

Q. Did you try? A. Yes, sir.

Q. Where? A. Forty-second street and Eight avenue.

Q. A savings bank? A. Yes, sir.

Q. You had money in the savings bank at that time? A. No, sir.

Q. You could not get the money out of the savings bank when you asked Mr. Huntoon for it? A. No, sir.

Q. Why did you not get the money out of the bank on Mr. Huntoon's check? A. I thought I would get it in the country; and then I had a little trouble in getting it up there.

Q. What bank is there up at Lisbon? A. There is a savings bank there.

Q. At Lyman, that is where your father lives? A. There is no bank in Lyman.

Q. What is the nearest town there? A. Lisbon.

Q. What is the bank there? A. It is a savings bank; I don't know the name of it.

Q. If there was not a bank of deposit in Lisbon how was it you thought he could get the money in Lisbon? A. There is a bank in Lisbon.

Q. A savings bank is not a bank of deposit; you know the difference, do you? (No answer.)

Q. Now officer, you are lying here; is not that the truth? A. No, sir.

Q. You think you are impressing this committee and this audience with the fact that you are telling the truth about this \$300; you think you are impressing them that you are telling the truth? A. I am telling the truth.

Q. You have talked this matter over with officers in the station-house? A. No, sir.

Q. Not a word? A. No.

Q. That is as true as all else you have testified? A. I have not spoken of it to anybody.

Q. When you took the check up to your father at Lyman did you go to the bank and try to get the cash there? A. I did not go; no.

Q. Did any one go, to your knowledge? A. No, sir.

Q. Well, how was it you did not try to get the check cashed? A. Because I fixed it up there, so he waited until I got back.

Q. Why didn't you get the cash money up there, instead of waiting until you got back; what; do you understand my question? A. Yes; I understand you.

Q. Why don't you answer it? A. Why didn't I get the money up there?

Q. There is no use of your repeating my questions; I want answers, and not repetitions of my questions.

(Witness hesitates some time.)

Q. Are you dumb? A. No, sir.

Q. Then why don't you answer? A. Well, I don't know why I did not.

Q. You don't know why you did not? A. No.

Q. And that is the best answer you can give me? A. I know why, but —

Q. What? A. But I can not explain.

Senator Bradley.—We will give you a chance to explain it in your own way. Explain it in your own simple way.

By Mr. Goff:

Q. Yes; in your own simple way, as Senator Bradley says; in your own simple way. A. Because I thought he was in a hurry for it when I went; and when I got up there he was not in so much of a hurry as he thought he was, and I thought he could wait until I got back and sent my money.

Q. That is the best explanation you can give us in your own simple way? A. Yes.

Q. Now you have made up your mind, officer, here, to swear your way through this thing, haven't you? A. I have made up my mind to swear the truth.

Q. When you came back to New York did you think that because your father could wait for the money that it would be more easy for you to carry that check back to New York and get the cash money and send it to him? A. Yes, sir; I thought it would

Q. And you did so? A. Yes, sir.

Q. And did you cash the check? A. No, sir.

Q. What? A. No, sir.

Q. What did you do with the check? A. I gave it back to Mr. Huntoon.

Q. What did you do when you brought it back? A. Then I got my money out of the bank and did not need that.

Q. How many days lapsed from the time you got the check from Mr. Huntoon until you returned it to him? A. Oh, I think it was about a month.

Q. Mr. Huntoon is in court here? A. I can not say exactly the number of days.

Q. Didn't you say to Mr. Huntoon that you was going to use that money in reference to a police appointment? A. No, sir.

Q. Do you swear you did not? A. I did not ask him for the money for that.

Q. Will you swear you did not say that to him? A. Yes, sir; I did not ask him for the money.

Q. If he has sworn you did ask him, did he swear to what was true? A. No, sir.

Q. He swears to a falsehood? A. Yes, sir.

Q. Didn't you say to Mr. Huntoon or to his brother rather, the brother of the man here; didn't you say when you brought that check back that you could not use it because it was a check; that you wanted the cash money? A. No, I did not give it back.

Q. I am not asking you to whom you gave the check back; I to Mr. Huntoon; I gave it back to the bookkeeper. ask didn't you say when you gave the check back that you could not use that check, and no check would be taken, and you wanted to get the cash money? A. No, sir; I did not, and you asked me if I did not tell Mr. Huntoon I wanted the money; I gave it back.

Q. I did not ask you that; don't dodge or squirm about it; read that question to him, Mr. Stenographer.

Q. (Question repeated); I am not asking you to whom you gave it back; I ask didn't you say when you gave the check back that you could not use that check, and no check would be taken, and you wanted to get the cash money? A. No, sir.

Q. What caused your wife to cry when you received the subpoena to attend this committee? A. To cry; she did not cry.

Q. Did you tell anyone that she did cry? A. No, sir.

Q. Wasn't she afraid for your position on the police force because you were subpoenaed here? A. She did not say she was.

Q. She cried and fretted about it, didn't she? A. No, she did not cry about it; she never cried about it.

Q. You were summoned here quite a while ago? A. Yes, sir.

Q. And you knew what you were summoned for? A. No, sir; I did not know until to-day.



Q. How did you find out to-day? A. A fellow here told me.

Q. What? A. Dunnan told me.

Q. When you gave back the check did you get the money then from Mr. Huntoon? A. I got it from the bank.

Q. This bank at Eighth avenue? A. Yes, sir.

Q. Had you a bank account there? A. Yes, sir.

Q. Had you a bank-book at that time? A. Yes, sir.

Q. Have you that bank-book now? A. I have not.

Q. When did you close the account? A. I closed the account last winter; I think it was in March.

Q. Last winter? A. In March, I think.

Q. That is, the winter of 1893; tell us the month, please? A. I think—end of 1894; I think it was in March or April.

Q. March or April, 1894, this year, you closed the account and drew all the money you had in that bank out of it? A. Yes, sir.

Q. When did you open the account in the savings bank? A. I think it is about four years ago.

Q. Four years ago? A. About five now, I think.

Q. Four or five years ago? A. Yes, sir.

Q. Did you open an account in your own name? A. Yes, sir.

Q. Do you remember the number of your savings bank-book? A. No, sir.

Q. How much money had you in the bank when you drew this \$300? A. I drew \$350; I think I had about \$200 left, I should say; I don't know just how much.

Q. Then your money rose from \$300 to \$350, so that when you returned the check to Mr. Huntoon—A. No; I took the \$50 to use myself.

Q. What? A. I used the \$50 myself.

Q. What did you use the other \$300 for? A. To send it to my father.

Q. Send by whom? A. My sister.

Q. Where was your sister? A. She was out here.

Q. Did she come out with you to New York to get the \$300 to take it there? A. She came with me; she did not come for the purpose of that.

Q. How long did she remain here? A. About two weeks.

Q. About two weeks; how long had you arrived in New York when you drew the \$350 from the savings bank? A. I must have been about a week.

Q. About a week? A. I should say about a week.

Q. And you gave her the \$300 in any one's presence? A. No, sir.

Q. What? A. No, sir.

Q. In your wife's presence? A. No, sir.

Q. Now, when was the last deposit you made in that savings bank before you drew that \$350? A. I could not tell you.

A. A month? A. Over a month.

Mr. Goff.—Mr. Stenographer, make me an abstract of this officer's testimony immediately, and I will excuse you for the present; you may consider yourself under subpoena to be called for when we need you; I am a little disappointed by the non-arrival of an important witness; a matter I wished to dispose of to-day; however, we do not want to lose time; Mrs. Hermann.

Matilda Hermann, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Mr. Goff.—Bernard Frune or Freund. (The witness responds "here"); come here please; I wish you would swear Mr. Freund.

(Bernard Freund of 36 Maiden Lane, N. Y., was called as a witness on behalf of the State, and was duly sworn, and cautioned by Mr. Goff to remember that he was under oath.)

Q. Well, Mrs. Hermann, I am glad to meet you? A. I am very sorry to meet you, Mr. Goff.

Q. Well, now, Mrs. Hermann, if you knew my anxiety for the last few weeks you would not say that; well, now that we have met, Mrs. Hermann, I hope we will have a pleasant and agreeable time with each other; and I think we would get through — it seems to me there in an unusual spirit of levity in the courtroom this afternoon.

Chairman Lexow.—I was going to rebuke it, but you produced it.

Mr. Goff.—I did it unconsciously.

Q. Well now, I am sure, Mrs. Hermann, that we will part better friends, I know we will? A. I hope so.

Q. How do you feel, anyway? A. Well, very nervous.

Q. Very nervous; I mean in your health; you have been subjected to some unpleasantness for the last three or four days, and I hope it has not affected you injuriously; you feel all right now, do you? A. Yes.

Q. Now, that you are back on your native heath again in New York I trust you will not have occasion to leave New York again? A. All right, sir.

Q. And we are pleased to have you here; and Mrs. Hermann, there is no place like New York, is there? A. That is true.

Q. After all Montreal is not half as attractive as New York, is it? A. Well —

Q. Nor Chicago; you prefer New York, don't you, to Chicago? A. Yes, sir.

Q. And, Mrs. Hermann, you have come here of your own free will, have you not? A. Yes, sir.

Q. And, Mrs. Hermann, by the way, Mr. Mitchell treated you pretty nicely in Hudson county; did he not? A. Yes.

Q. And Sheriff Tophey treated you pretty well? A. Yes, sir.

Q. When you started from there did you start from there of your own free will and accord to come over here to New York to this investigating committee? A. Yes, sir

Q. Is that so? A. Yes, sir.

Q. And to testify before this investigating committee? A. Yes.

Q. I sn't that so; to answer such questions as put to you? A. Yes, sir.

Mr. Goff.—Now Mr. Chairman, it is but proper to have it upon record here that inasmuch as I have been informed, and informed of course by our legal representatives as well as by our messengers, that certain threats were made this afternoon to indict our representative, and our legal representative for a conspiracy to induce Mrs. Hermann to leave New Jersey, or to kidnap her from New Jersey, we have it here now as a matter of record, Mrs. Hermann under oath has stated that she has come of her own free will and accord to court here to testify before this committee, and that she is here of her own free will to testify before this committee; and the matter having been spread upon the record now, I take pleasure in inviting any person or persons interested in endeavoring to indict anyone representing this committee for a conspiracy to either induce or coerce, or kidnap this witness from Jersey, that here is a sworn record of this witness herself; and hence it is our pleasant greeting.

Q. When did you leave New York, Mrs. Hermann? A. The 10th of September.

Q. This year, 1894? A. Yes.

Mr. Goff.—I wish at this point, Mr. Chairman, that you would give to this witness the notification that you have given to other witnesses who have come here to testify, touching the immunity and protection which the law gives to witnesses testifying before this committee.

The Chairman.—Any testimony, Mrs. Hermann that you may give on the stand here can not only not be used against you in any proceeding; but the admissions or confessions of bribery that you may make on the stand will be an absolute bar, an absolute impediment to any prosecution against you in the future, or to any indictment. You can not be punished, in other words, for any sin that you may have committed in that way. The only thing that you want to guard against is against not perjuring yourself. If you say something on the stand here which is false, tell a wilful story, then you are amenable to punishment under the laws of our State; so tell a complete story truthfully from beginning to end, and nobody can harm you or hurt you. The committee will see that you are properly protected if any attempts are made to harm you.

Q. Mrs. Hermann, you are a little tired and nervous, you say, this evening; and I think after a night's rest you will feel better? A. Yes, sir.

Q. You would rather have that would you not? A. Yes, sir.

Q. A night's rest? A. Yes.

Mr. Goff.—Now you will take your night's rest to-night; and the sergeant-at-arms will see that you are properly cared for and attended to, if you will please take a chair over there.

Senator O'Connor.—Let the sergeant-at-arms procure lady attendance.

Mr. Goff.—That is being attended to, and will receive your signature as soon as the memorandum is drawn up. Mr. Bishop. Mr. Tomlinson take the stand.

Edgar M. Tomlinson, called to the stand, and stating that he has conscientious scruples against swearing on the bible, he is duly affirmed and testified as follows:

Examination by Mr. Goff:

Q. Have you ever been chief inspector of the excise board of this city? A. I have.

Q. For how many years? A. Nearly three years; I can not say the exact time.

Q. How long ago? A. I think I was made chief inspector in the latter part of 1886; and I do not remember the date; and was there until 1889, until June, 1889.

Q. Now, I hand you a book that has been left here by the chief clerk or secretary of the excise department of this city, Mr. Bishop, he is not here but he has been here to-day; and I ask you if you recognize this (handing book to witness)? A. I do.

Q. What is that book? A. That is a record of the licenses that had been granted, giving the location and the name of the party licensed, and the licensed number.

Q. Take that memorandum (handing memorandum to witness) in the page that I point to you, number 65, will you turn to the entry on No. 161 Lexington avenue and read the entry relating to 161 Lexington avenue? A. "Louise Chaude, license 3525, class 3, expires, October 21, 1887."

Q. Now, what does that imply? A. That implies that a license was granted to her for one year and that it expired as per this record.

Q. Now, what was the law and rule of the excise board at that time; at the expiration of that license did it have to be renewed? A. Another application was made either by the same party or some one else of whom the board might approve.

Q. Is there anything so far as you know of in the records? A. Yes; there is a memorandum I see here in pencil, "Rejected, October 26, 1887. New application made;" that is, an application made, a red ink memorandum.

Q. And that shows that the application for a license was rejected? A. Yes, sir.

Q. You say that that memorandum shows that that application for a license was denied? A. Yes, sir.

Q. Is there anything before you there that will show that the application for license for that place was made by any other person? A. Yes, sir; there is a record made here of a license — it is an application made by August L. Louis.

Q. August L. Louis; when was the application made by August L. Louis? A. Well, the date of the application does not appear on this record; but the date of its expiration appears, so I presume, that the application was made shortly before

December 24, 1888, because there would be some time elapse between the time the application was made and its being approved by the commissioners.

Q. Well, now I hand you—just keep that book, please, so you will have it to refer to—I hand you a paper endorsed “Protest” and ask you to describe that paper and its reference to the application of Madame Chaude? A. This application was made, according to this paper, on September 9, 1886.

Q. By Madame Chaude? A. I don’t see any—yes, Louise Chaude, 161 Lexington avenue.

Q. Well? A. There is a memorandum here says “new party,” and “date of license April 2, 1887;” there seems to be no memorandum on the outside of this paper, excepting that of a police report with the initials “C. H. W.,” that is Charles H. Whitman, who was president of the board at the time; I do not see any mark of rejection on this paper.

Q. What does that endorsement “protest” mean? A. It means that a protest had been made against the granting of a license to Mrs. Chaude.

Q. Well, I hand you a paper here, “application for license,” for the same premises by Joseph Lambertz; just describe that application, and all papers in that bundle? A. This is an application made by a new party, after the rejection of the application of Mrs. Chaude, by Joseph Lambertz.

Q. Joseph Lambertz? A. Lambertz; this was rejected, and the memorandum made by Commissioner Von Glahn; “rejected October 26, 1887;” the first report—I see the reports are made by different inspectors; the first report was made by John Toumey, who I think was assigned inspector in that district, the Twenty-first police precinct.

Q. What is that report? A. And this is one made by Stephen O’Brien.

Q. What is that; read it please; look inside and see if that report is there made by Stephen O’Brien, excise inspector? A. Memorandum by Inspector O’Brien stating that he finds that a person of the name of Mrs. Louise Chaude was arrested and held for trial on charge of keeping a disorderly-house.

Q. Does it name the date when Madame Chaude was arrested for keeping a disorderly-house? A. I see no memorandum of any arrests here; it does not give any date; on September 20,

1887, he says, "I reported on an application for license made by Joseph Lambertz."

Q. I hand you this paper coming from the papers of the excise board; do you recognize it? A. I recognize it by the stamp that is on it.

Mr. Goff read the following paper:

Police Department of the City of New York:

Office of Inspector 1st Dist., 300 Mulberry street,  
New York, Sept. 21, 1887.

William Murray, Superintendent:

Sir.—On communication hereunto annexed, in which complaint is made against the "Cafe Tortoni," No. 161 Lexington avenue, cor. Thirtieth street, I respectfully submit the following report:

On Saturday evening, 17th inst., I directed Patrolmen Eugene D. Collins and Louis McCord to visit the "Cafe Tortoni," in company with a female, and ascertain if the place was used for immoral purposes. Collins first entered the place with a woman of doubtful character and was shown to a room in which there was a small table on which there was a castor and some dishes; there was also a bed in the room on which the woman threw herself, and remained on the bed while the waiter was in the room receiving an order from Collins for refreshments; Collins remained but a short time and returned to the street with the woman, when she was taken by Officer McCord into the same cafe, where they in turn were shown to a room and the same routine was gone through with.

On the 19th inst., accompanied by Officer Collins, I went to the Third District Court and presented the case to Judge Duffy, charging the proprietress of the "Cafe Tortoni," Louisa Chandî with keeping a house of assignation at said cafe, No. 161 Lexington avenue, and with letting and permitting the same to be used for immoral purposes.

The warrant was executed on the evening of the 19th inst., by Sergeant John J. Harley, who arrested Mrs. Louisa Chandî and conveyed her to the Twenty-first precinct station-house, where she was detained. On the morning of the 20th inst. she was arraigned before Justice Duffy, at Third District Court,

and was by him held in the sum of \$500 for examination at 2 p. m., Thursday, 29th inst.

Respectfully,

ALEXANDER S. WILLIAMS,

Inspector First District.

(Copy of report.)

F.

Mr. Goff.— Let me see that first paper, please, the first official paper. This report of Inspector Williams I have read is dated September 21, 1887. I want to keep the dates correct. This report was forwarded to the board of excise and indorsed as follows: "Report of Alex. S. Williams, inspector 1st district, relative to the arrest of Louisa Chaude, of Cafe Tortoni, No. 161 Lexington avenue. Respectfully forwarded to the board. William Murray, Supt." I find on the application of Louisa Chaude for a license for that place the following: "From the board of excise, dated September 15th, 1886. To William Murray, superintendent of police. Sir.— Please report as to the reputation and character of the following named person and place; whether the place is a resort for prostitutes, gamblers or thieves; if any part of the building is occupied or used for immoral purposes; and whether you know of any reason why a license, class 3, should not be granted to the person named. By order of the board, David S. White, secretary. Louisa Chaude, 161 Lexington avenue. Forwarded to Captain Ryan, 21, for report, Henry O. Steers, acting superintendent." Report of Captain Ryan: "The reputation and character of Louisa Chaude, 161 Lexington avenue, is good. The place, 161 Lexington avenue, is not a resort for prostitutes, thieves, gamblers, or other bad characters. Respectfully, Thomas M. Ryan, captain 21st precinct."

Senator Pound.— What date was that.

Mr. Goff.— September 15, 1886.

Senator O'Connor.— That is the date of the last report — the report of Inspector Williams?

Mr. Goff.— September 21st, 1887. You remember, Senators, that to-day Mr. Lambert — I think he is in court yet — testified that he was simply the bookkeeper of the place, and that Madame Chaude was the proprietress of it, and he had no interest, nor had Louis, in whose name the license has rested for the last four or five years, any interest in the place. On October



1, 1887, there was received by the board of excise the following paper, obtained from the office and records of the board of excise: "To the honorable board of excise, New York city. Gentlemen.— We the undersigned bookkeepers and property owners, who reside at and near the corner of Lexington avenue and Thirtieth street in the city of New York, respectfully and most earnestly protest against the granting of any license to the notorious place, known as the Maison Tortoni, or Hotel Tortoni, situated on the northeast corner of Lexington avenue and Thirtieth street in this city, and owned by the French Madame known as 'Madame Chaude.' The ground of our protest is that the business there conducted, while ostensibly that of a hotel and restaurant, is in fact principally for the purpose of assignation and acts of the grossest immorality and licentiousness are practiced nightly in that house, which is provided with separate wine rooms, each of which is supplied with a bed, and where wines and liquors are served to the men and women frequenting the place. This place has been allowed to flourish in our midst in defiance of law, morality and common decency, should in no way receive the countenance of your honorable board in so far as the granting of a hotel or liquor license is concerned." A number of citizens appear here, with their names and addresses given. The first signer upon this is Mr. Morris Philips, editor of the Home Journal; and accompanying that is a letter signed by ex-Judge Gunning S. Bedford, now deceased, and at that time assistant district attorney, introducing Mr. Philips to the excise board in reference to this protest. Mr. Bedford says, "It is quite unnecessary for me to say, that whatever statements he may make you can rely upon them entirely. Knowing that you will extend to him a just and proper hearing, I am, very respectfully yours, Gunning S. Bedford." Here is an opinion delivered by the commissioner of excise, dated October 26, 1887: "In the Matter of the application of Joseph Lamberts for license at 161 Lexington avenue. A license for these premises was issued to Louise Chaude on October 21, 1886. At that time there was a protest before the board against granting the license. The protestants, however, failed to appear with the exception of two persons who refused to testify, and there being no proof to sustain the protest the license was issued. The license expired on October 21, 1887.

On September 16, 1887, Joseph Lamberts applied for a license,

and a protest was made against granting his application. A hearing was granted, at which 10 of the protestants appeared. The opinion is quite extensive. It goes on to say in one part "The board having received information from the board of police that the proprietress of this place had been arrested and held on the charge of keeping a disorderly-house, the police officers who obtained the evidence upon which the arrest was based were summoned and testified." And goes on to state the testimony of the police officers, refers to the testimony of the applicant. "But if there were any doubt as to the duty of the board, the additional fact that the proprietress is now held in bonds for trial upon the charge of keeping a disorderly-house, is conclusive. A license can not be granted. Charles H. Woodman, William S. Andrews, John Von Glahn, commissioners of excise." In this opinion is recited the protest made by the citizens; a letter from Mr. Kipp, the clerk of the board of police to the board of excise calling attention of the board of excise to the protest against granting a license for this Hotel Tortoni, dated, September 24, 1887, and in this letter is inclosed the card of Edmund E. Price, attorney and counsellor-at-law, 90 Centre street, Clipper building, New York. I do not mean to say that Major Kipp inclosed this card. I only find it among the papers and that matter will come out later. Now, you will bear in mind that October 26, 1887, is the date of the opinion of the board rejecting the application for license made by Lamberts. Among the papers I find a bill of sale, dated, November 15, 1887, from Louise Chaude to August L. Louis; and this bill of sale recites that Louise Chaude sells the stock, furniture, fixtures, utensils, silver and plated ware contained in the hotel known as the Maison Tortoni, situate on the northeasterly corner of Thirtieth street and Lexington avenue in the city of New York, together with the lease of said premises, No. 161 and 163 Lexington avenue and the good-will of the hotel and restaurant business there conducted. Signed by Louise Chaude and acknowledged by her before a notary public. On the 19th of December, 1887, August Louis makes application to the board of excise for a license for the Hotel Tortoni, and he swears that on the 15th day of November, 1887, Madame Chaude sold to him the Hotel Tortoni as recited in this bill of sale, and Mr. Louis swears as follows in addition: "The deponent further says that the said Louise Chaude has no

interest whatever in the said premises or business or the profits thereof, and deponent intends to carry on the said business solely for his own benefit. Sworn to before a notary public, signed by August L. Louis. You remember, Senator, the testimony of Mr. Lambertz to-day touching Mr. Louis. Here is the report of the excise inspector referring to the Hotel Tortoni — special report — accompanied by a diagram of the business.

Q. Now, Mr. Tomlinson, did you know this Madame Chaude?  
A. I did.

Q. Did you have any conversation with her touching the application for license which I have referred to from the record?  
A. Yes, sir.

Q. State those conversations if you please? A. A mutual friend whose name it is not necessary to mention, because he is not in this matter at all, but a gentleman who was a medical student and had been for quite a long time taking meals at that place, and he came to me and asked me if I could not help Madam Chaude in regard to getting a license.

Q. Just a little later? A. To assist her in getting a license for her place; I said that I had nothing whatever to do with that; it was entirely outside of my province as chief inspector, or as an officer of the board; he asked me if I would use my influence, whatever it was, and assist him; I said I would do whatever I could, but of course, the commissioners would not grant the license on any disorderly-house, or any adverse reports, without having a full hearing in regard to those places, and it would be determined by them if it was a proper place, and that the party was a proper one to be licensed; in my conversation with her, I think I stated that, although it is long ago I have forgotten almost what really did occur — but I know this gentleman asked me if I would go up there and take dinner with him, and I did that afternoon; and this conversation about it was a sort of general conversation in regard to her place.

Q. Did you do anything towards obtaining a license for her?  
A. No, sir; not for her.

Q. Did you do anything toward obtaining a license for that place, the Tortoni Hotel? A. Some time after, yes, sir.

Q. Well, Mr. Tomlinson, did you have a conversation with your wife in reference to obtaining or doing what you could to obtain a license for this place? A. I did in the presence of Mrs.

Chaude; I do not know why or what occasioned it, but Mrs. Chaude came to my house one evening when I was at home.

Q. Yes? A. To see what, if anything—to see if I could do anything for her; I do not remember how long it was after; I can not recollect the dates.

Q. Would an examination of the papers aid your memory? Well, it would be some time previous to the application of Mr. Louis.

Q. Well, now, was anything said at this time about the application of Mr. Louis by Madame Chaude? A. Well, the evening that she called at my house, while she was there, there were some gentlemen came to see me and I excused myself; I don't know what the conversation was that transpired between my wife and her, except as she related it to me; and she, I presume, had a certain tale of woe to tell in regard to her house and related them to my wife, and my wife had told her that she would ask me to intercede for her, do anything I could, and I did not see her, I think, only—I returned, I think, before she went away, but it was a sort of general conversation.

Q. Was there anything said by Madame Chaude or by you, to Madame Chaude, about the taking out of a new application for that place in another person's name? A. Well, yes; I think, probably, I must have told her that she could not get a license on the place on account of the protest that had been made, and that if an application was granted, it would have to be made in a new name and another party entirely.

Q. Was there anything said about the character of the house? A. Not that I remember; the papers which you have read there. Mr. Goff, are papers that never passed through my hands.

Q. You had nothing officially to do with those papers? A. No; they did not come into my hands.

Q. I ask you in regard to whatever conversation passed between you and Madame Chaude; was there anything said at any time between yourself and Madame Chaude by either of you, as to the necessity or propriety of taking out an application in a new name? A. Yes; that is the only one, as I understood it, that a license could be obtained for the premises.

Q. Did Madame Chaude say anything about whom she would select as applying for a license in a new name? A. Well, not that I remember.

Q. How many times did you see Madame Chaude? A. Well, I think, only the two times that I speak of.

Q. Only the two time you speak of? A. I do not recollect; I may have seen her once after; I don't recollect it.

Mr. Goff.—Now step aside a moment, Mr. Tomlinson. Mrs. Tomlinson, if you please.

Mrs. Jennie C. Tomlinson, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. You are the wife of Mr. Tomlinson, the last witness? A. Yes, sir.

Q. Do you remember a visit to your house by Madame Chaude, the keeper of the Hotel Tortoni? A. Yes, sir; I do.

Q. Where did you reside at that time? A. Forty-seventh street.

Q. East or west? A. West.

Q. Did you know Madame Chaude before her visit to your house? A. No, sir; I never met the woman before.

Q. What did she say when she visited your house? A. Well, the conversation was general; I was introduced to her by my husband, and she said — told me why she came to see him.

Q. Tell me what she said, as nearly as you can recollect? A. I can not remember the exact conversation, but she spoke of her errand, what she came there for; said she was a keeper of a hotel and she had great difficulty in getting a license for it, and wanted to know if my husband would help her; I told her I didn't know as he could, for he was not in a position to be of any assistance to her that I knew of; she said that she paid out a great deal of money to inspectors and officials generally, and had received nothing for it; she would like to know if she had to pay any money to get a license; I told her I didn't know anything about that.

Q. Well, proceed Mrs. Tomlinson; she asked you if it would cost her any money to get a license; and you told her you did not know anything about it? A. I told her I didn't know anything about it.

Q. What followed? A. She asked me if I would use my influence with my husband to get her a license; she told me the story, and I felt sorry for the woman, and she accepted my

sympathy, and I told her I would use my influence, so far as it could go, with my husband, to see what he could do for her.

Q. When she spoke of paying a great deal of money to inspectors and other officials, did she name any persons? A. No, sir; she did not.

Q. Did she, on any occasion, name any persons? A. No, sir; she did not specify anybody in particular.

Q. Did she say anything about counsel or lawyers? A. No, sir.

Q. Did she ever say anything to you about counsel or lawyers? A. No, sir.

Q. To whom she had paid fees for the purpose of obtaining a license? A. No, sir.

Q. Well, this was the first visit now you have spoken of? A. Yes, sir.

Q. Did she visit you a second time? A. I think she visited in all three times.

Q. Well, after her first visit, did you do anything or say anything in relation to her visit to your husband? A. Yes, sir; I told him what she told me and asked him if he could not help the women and that she was in trouble, and she deserved to have her license, judging from her story.

Q. And what did your husband say? A. Well, he said he did not know as he could do anything in the matter; it was out of his jurisdiction; he had nothing to say about that, he could simply recommend it as a chief inspector, but he had nothing to do with signing a license; that was in the hands of the commissioners.

Q. Well, did Madam Chaude call again the second time? A. She called the second time; yes, sir.

Q. How shortly after, do you remember, her first visit? A. I can not remember dates; it is so long ago.

Q. About the time that elapsed; was it a week or a month? A. It might be about two weeks, as near as I can remember.

Q. And when she called the second time, do you remember the conversation that you had with her? A. I can not remember all, of course.

Q. The substance as nearly as you can recollect? A. Well she spoke about paying money again, the second visit; she asked me if she would entrust money to me, if I would see that she will get her license.

Q. Yes; and what did you say? A. I told her if she

entrusted money to me to get her license she would get back her money.

Q. And what did she say? A. She said she would pay the money.

Q. That she would pay the money? A. Yes, sir.

Q. Was any sum mentioned? A. She said she would pay \$200 for her license.

Q. Did she give you any money? A. Not then.

Q. Did she visit you a third time? A. Yes, sir.

Q. Did you tell your husband in the meantime? A. I told him what she was willing to do.

Q. And was there any appointment made for her to come the third time there? A. I can not say positively that there was.

Q. But she did come the third time? A. She did come the third time.

Q. When she came the third time was there anything said about money? A. Yes, sir; she brought the money with her.

Q. How much? A. Five hundred dollars.

Q. What did she do with it? A. She paid it to me.

Q. Was it in bills? A. Yes, sir.

Q. Did she count the money out to you? A. Yes, sir.

Q. And when she gave that \$500 to you will you state now to us what she said? A. She said she would hold me personally responsible for the money; if she did not get her license that I was to agree to return the money; I said I would.

Q. You said you would? A. I said I would.

Q. Was that about the substance of what took place on the third visit? A. Yes, sir; she staid only a short while.

Q. Well, after that did you do anything in the matter? A. your husband about it? A. Yes, sir; I told him the whole story and paid him the money; and told him I was personally responsible for it.

Q. Was it the same night? A. Yes, sir; when he came home that evening.

Q. Did you give your husband the \$500? A. I did.

Q. And what did your husband say? A. He said he would look after the matter.

Q. Well, after that did you do anything in the matter? A. Yes, sir;

Q. What did you do further in the matter? A. I told her that I was responsible for the money, and I proposed to see the

matter through; if she did not get her license she would get back her money.

Q. Well, what did you do, Mrs. Tomlinson? A. I went down the next day to the excise board with my husband.

Q. With your husband? A. Yes, sir.

Q. Who carried the money? A. He did.

Q. You saw him take the money and put it in his pocket as you gave it to him? A. Yes, sir.

Q. Five hundred dollars? A. Yes, sir.

Q. And can you swear he had the money with him when he went into the board of excise? A. Yes, sir.

Q. Well, the board of excise was then at the corner of Bond street and the Bowery, I think? A. Yes, sir.

Q. Will you tell us just where you went into the board of excise? A. Well, as near as I can remember, the board occupied a part of one building; the commissioners' office was in the extension, the adjoining building—the private offices; there were a number of rooms on that floor; I can not quite remember the location; but the room I was in was at the end of long hall where the clerk of the board was; I think where they held the board meetings; the commissioners' office was just adjoining that where Commissioners Whiteman and Von Glahn then were!

Q. Did you go into the commissioners' room? A. No, sir; I was not admitted to the commissioners' room; I waited in the room adjoining.

Q. Did you see your husband go into the commissioners' room? A. Yes, sir; he left me there and went in.

Q. What did your husband say when he left you there? A. Told me to wait and he would attend to the matter, and wait until he came out.

Q. Did you wait? A. I waited.

Q. When he came out do you remember what he said to you? A. He said he fixed the matters.

Q. That he had fixed the matters? A. Yes, sir.

Q. Did you ask him any particulars? A. I don't think I did; if I did I can not remember now just exactly the conversation.

Q. Well, you, regarding yourself as responsible for this \$500, did you not familiarize yourself with questioning your husband as to what he had done? A. I trusted him implicitly.

Q. And you were satisfied with what he said? A. Yes, sir



Q. And I presume you then left and went home? A. I went home; a few days after that he told me that Mrs. Chaude had her license.

Q. That satisfied you? A. Yes, sir.

Q. Did you see any of the commissioners there when your husband went into the commissioners' office? A. I saw Commissioner Andrews.

Q. Did you see anyone else? A. I could not see from where I sat, because Mr. Whitman's desk was against the wall; Mr. Andrews' desk was in the center of the room.

Q. But you saw Commissioner Andrews? A. Yes, sir.

Q. Did you see your husband talk to Commissioner Andrews? A. Yes, sir.

Q. Did he come right to commissioner's desk? A. Yes, sir.

Q. Did you see him engaged in conversation with him? A. Only for a short time, for the door was closed.

Q. And that shut out your view? A. Yes, sir.

Mr. Goff.—Now, Mrs. Tomlinson, will you please step down.

Senator O'Connor.—Is there any difficulty between her husband and her at present.

By Mr. Goff

Q. The Senator wants to know if there is any difficulty between yourself and your husband? A. No, sir.

Q. Never was? A. No, sir; never was.

Edgar M. Tomlinson, recalled and further examined by Mr. Goff:

Q. In your conversation with Mrs. Chaude did she mention the name of any attorney to whom she had paid money for the purpose of securing an excise license? A. She did.

Q. What was the name of the attorney? A. Price.

Q. Did you hear me read this card? A. I did.

Q. Is that the same gentleman? A. Well, what are the initials?

Q. Edmund Price; Edmund E. Price? A. That is the gentleman; I have known him for a great many years.

Q. You know him; what did Mrs. Chaude say in relation to him? A. She said that she had paid him \$500 to appear as an attorney for her before the excise board.

Q. You were going on to say something? A. I remember that I saw Mr. Price at the excise board.

Q. You told her you saw him? A. No; I did not tell her so; but I say I did see him there.

Q. Did she say anything as to who recommended her to Mr. Price, or suggested to her that she employ him? A. Yes; she said the captain of the precinct.

Q. The captain of the precinct? A. Yes; I think it was Captain Ryan; I am not sure about that.

Q. That appears from the record, that Captain Ryan was a captain of the precinct, and made a favorable report of the house; was there any further talk with her as to what it had cost her in trying to obtain a license? A. No; except in a general way; Mrs. Chaude seemed to be a woman that felt that she ought to pay for any privileges that she had, or anything that she had.

Q. She recognized that rested upon her? A. Yes.

Q. She had to pay her way? A. Yes.

Q. Now, Mr. Tomlinson, your wife, has testified here that when you went home one evening she told you that Mrs. Chaude had offered to give her \$500 to obtain a license for her; do you remember your wife telling you anything of that? A. Yes, sir.

Q. Tell us what your wife said? A. Substantially what she has related to you.

Q. Now, your wife has testified that on an occasion after Madame Chaude had told her she would pay for it she called to your house and gave her \$500; and that when you went home your wife gave you the \$500, and told you that Madame Chaude had given it to her for the purpose of paying for a license, or getting a license; is that true? A. If I can recall correctly, perhaps my wife may not have quite remembered what she said to me; I think that, because it was that that occasioned the action that I took afterwards, that Mrs. Chaude had told her that she was willing to pay \$500, that must have been on the second visit; that must have been on the second visit.

Q. That is what Mrs. Tomlinson testified to? A. And I said, very well, I will see what I can do in the matter; and I did do what I could.

Q. What did you do? A. I saw Commissioner Andrews; I asked him if there was any reason why a license could not be granted to the Hotel Tortoni; I also remarked at the same time that she was willing to pay \$500 to secure that license.

Q. What did Andrews say? A. Mr. Andrews said, if a license was granted on that place it would have to be by a new party, and all the old relations would have to be destroyed; that, with the exception of the location and the building, all its character as a business place was to be changed, otherwise a license could not be granted on it.

Q. Are you able to testify it from that conversation or from any conversation that you had with Mr. Andrews upon this subject, that he understood, and knew that a license had been refused for that place because of its being a disorderly-house? A. No; I knew nothing about the reports that were made; I only knew of it in a sort of general way, that these reports had come in, and that people were prejudiced against the place.

Q. You misapprehend my question; what I asked was this; from your conversation with Mr. Andrews at any time was there anything said by him or by you to indicate his knowledge that the license had already been refused for that place because it was a disorderly-house? A. Oh, yes; that was generally understood; that information I had to have in my usual books; they were constantly under my supervision.

Q. When you said to Commissioner Andrews that Mrs. Chaude was willing to pay, did you tell him the amount that Madame Chaude had named she was willing to pay? A. Yes, sir.

Q. What was the amount? A. This \$500.

Q. What did he say as to the acceptance or rejection of that offer, if anything? A. Nothing more than only what I have stated as to what would have to be done before a license could be granted for the premises.

Q. Well, that was subsequent to that conversation with Mr. Andrews that you knew of the second visit, or third visit rather, to your wife by Madame Chaude? A. Yes; that was the time that Mrs. Chaude called to my house and left the money; I never saw Mrs. Chaude after the first visit.

Q. After you went home, after the visit that Madame Chaude paid to your house and left money, did you have a conversation with your wife; or did she tell you that Madame Chaude had been there? A. Yes, sir; she told me she had been there.

Q. What did she tell you, as nearly as you can recollect? A. Nothing more than she had been there and had left the money, and would hold her responsible for it.

Q. Left her the \$500? A. Left her the \$500.

Q. What did you tell your wife then? A. I told her I would see what I could do about it.

Q. Was there any understanding between yourself and your wife about the visit to the excise board? A. After the money was paid?

Q. I am speaking of that occasion now? A. Oh, yes.

Q. When your wife had told you that Madame Chaude had left the \$500 with her did you arrange with your wife to go to the excise board? A. Yes; she felt nervous, I think, over it; and she wanted, as she had entered into an obligation she rather insisted upon going with me, which she did, to the board of excise!

Q. Did you accompany your wife to the excise board in the morning? A. Yes, sir; I do not remember the time exactly.

Q. Some time in the forenoon? A. Yes; probably in the middle of the day; I don't remember now.

Q. Did your wife go to the room occupied by the board of excise commissioners? A. Yes, sir.

Q. Where did your wife stay, or where did she go? A. She stayed in the outer room, that is, there was an addition made to the excise board of the adjoining building, and a door cut through there, and she was standing by that door; the door was open; I think she may be mistaken about the door being closed, because it was very rarely that that door was closed; but it was a very thick wall, a double wall, and you could only just see him standing in the outer room; the location of that room was, facing that door was the desk of Commissioner Von Glahn, and on the Bowery was Commissioner Andrews' desk, which he occupied with his back to the windows and next to the wall, back against the other part of the excise board was Commissioner Whitman's desk; it was impossible to see those two desks standing in the original room of the excise board.

Q. You could only see the one desk? A. She could only see one desk.

Q. Which desk was that? A. Commissioner Von Glahn's; but she —

Q. What commissioner or commissioners were in the room when you went in? A. Only Mr. Andrews.

Q. Only Mr. Andrews? A. I think we were standing talking together when my wife saw me.

Q. You and Mr. Andrews were standing? A. Yes, sir.

Q. He was standing at his desk? A. Yes, sir; I do not remember exactly whether he came from the private office of the commissioners, but that addition was divided into two rooms; there is an outer room, and then a private room; he may have come from that room, and I was walking with him and went directly to the desk.

Q. Did you have a conversation with Mr. Andrews? A. Yes, sir; I told him I had \$500 for Mrs. Chaude's license.

Q. Give us the words as near as you can recollect them? A. I think that is about all; I took the money out of my pocket and paid it to him.

Q. And paid it to Commissioner Andrews? A. Yes, sir.

Q. You gave the identical \$500 your wife gave you, that she said had been left by Mrs. Chaude; you gave that to Commissioner Andrews? A. Yes.

Q. The gentleman who is street commissioner of this city? A. Yes, sir.

Q. You knew Commissioner Andrews very well? A. I have known him for 30 years.

Q. And you have no doubt whatever? A. No.

Q. You were chief inspector of that department? A. Yes, sir.

Q. What did he do with the \$500 when you gave them to him? A. I don't know.

Q. He took them? A. Yes, sir; I left it with him.

Q. What did he say? A. Well, I don't remember that anything was said particularly; I left him directly, and came out and told my wife that she could go home, that the money had been paid.

Q. Was that knowledge conveyed to Madame Chaude, to your knowledge, the fact that the money had been paid? A. Not that I know of; no, sir; I never saw her after that.

Q. Did you ever hear anything about the application? A. Well, I don't remember; I can not quite recall how the application was made; or how she came to select the party who made the application.

Q. Do you remember saying anything that her butcher would be a good man to select? A. She had understood previously that a new party would have to make the application, and of course, I did not know who she would select; I knew nothing about it.

Q. Do you remember when she was informed that a new party would have to make the application, do you remember she selected her butcher as she called him? A. I have an indistinct recollection now that she spoke of his — of her butcher.

Q. Of her butcher? A. Yes; that is my — but I do not quite recall that; I presume there were many things that she said that passed out of my knowledge.

Q. I have here in the record of the excise department, "Application for license, class 2, 5353, dated, November 15, 1887, name, August L. Louis, place, Maison Tortoni, 161 Lexington avenue, Twenty-first precinct. Old license expired, October 21, 1887. License issued November 24, 1887, bond approved December 22, 1887. License granted by J. V. G." For whom do those initials stand? A. Commissioner Von Glahn — John Von Glahn.

Q. And "W. S. A." for whom do those initials stand? A. William S. Andrews.

Q. I find on the back of this application — I have read the application, before, Senators — "The applicant in this case is a respectable merchant carrying on a large meat business at 265 Third avenue, who wishes to conduct this place as boarding-house and restaurant. He is personally vouched for by Judge Andrew J. White. There is no reason why this place should not be licensed to a respectable person for a respectable business, the former licensee having no connection with the place, as appears by the affidavit attached. W. S. A." Do those initials stand for William S. Andrews? A. I presume so.

Q. Do you know Mr. Andrews' handwriting? A. Yes, sir.

Q. You have seen him write very frequently? A. Yes, sir.

Q. I hand you the indorsement which I have just read upon the application, and ask you to say whether that is Mr. Andrews' handwriting? A. I should recognize it as such.

Q. How soon after Mr. Andrews received the \$500, which you have sworn you have paid him, was the license granted? A. Well, I think there was quite a little lapse of time; because my wife felt a little anxious about it on that account; and I spoke to Mr. Andrews and asked him if he could not hurry the matter up, and approve of the bond; and he said that he would attend to it right away; and two or three days after that the license was granted.

By Mr. Bradley:

Q. Now, you gave this \$500 into the hands of Commissioner Andrews at that time? A. Yes, sir.

Q. Did you get any of that \$500 as your part at all? A. No, sir.

Q. Never received a dollar? A. Not a dollar.

By Mr. Goff:

Q. Now, Mr. Tomlinson, were these \$500 which you received through your wife from Madame Chaude, and which you paid to Commissioner Andrews, any part or portion of the regular license fees? A. No, sir.

By Senator O'Connor:

Q. Witness, during all this time were you the chief inspector for that district? A. I was for the city.

Q. You understood that that \$500 was paid to the Commissioner as a bribe for giving this license? A. I could only understand it that way.

Q. You became the carrier of that money, and a go-between, between the person bribing and the officer you claimed you bribed? A. Yes, sir.

Q. When did your connection with the excise board cease? A. In June — the first of June, 1889; I being an anti-Tammany man, I was —

Q. What led to your discharge? A. My services were no longer required in that way.

Q. Who gave you the notice to that effect; the board? A. There was a new board then came in.

Q. Did Mr. Andrews continue to be a member of the board? A. No; entirely a new board; there was Commissioner Meakim, and Commissioner Koch and Commissioner Fitzpatrick; that was a new board appointed by Mayor Grant after his election.

Q. So your discharge was entirely for political reasons? A. I presume so.

Mr. Goff.—It was the expiration of one board, Mr. Senator — the expiration of the commissioners that were originally appointed, and the new commissioners came in their stead, and of course the personnel of the staff was changed.

The Witness.—Mr. Croker told me if I had been a Tammany Hall man I could have retained that position.

By Senator O'Connor:

Q. Have you been connected with the excise board since?  
A. No, sir.

Q. Is it the first case in which you have been the medium of procuring a license from the commissioners? A. Yes, sir.

Q. The only time that it ever occurred? A. The only time.

Q. What was the occasion of taking your wife to the office with you, to see the money was paid? A. Only as indicated by herself; it would not have made any difference.

Q. Was there anybody saw you pay the money to Commissioner Andrews? A. Not that I know of.

Q. Was this the only case you know anything about personally? A. Yes, sir.

Q. This was the only occasion that you know anything about?  
A. Yes, sir.

By Senator Bradley:

Q. That is personally? A. Yes, personally.

By Senator O'Connor:

Q. Witness, what motive induced you to come and tell this story about Commissioner Andrews, the public good; what we want to get at is the truth of the matter; have you any feeling against Commissioner Andrews? A. Yes; and I say it very frankly.

Q. You have a feeling of enmity toward him? A. Yes.

Q. And you would like to get even with him in some way?  
A. I don't think I could get even with him.

Q. Your feeling is quite intense? A. Well, it is.

Q. Is your feeling against him so intense that you would swear falsely against him for the purpose of getting even? A. No, sir.

Q. Has your feeling against him influenced your testimony on the stand here to-day as to the truth or falsity of it? A. No; I would say nothing but what was absolutely true.

Q. Your feeling simply induced you to speak? A. Yes, sir.

By Mr. Goff:

Q. Have you received any consideration of money, or thing of value, or have you been promised any consideration, money



or thing of value, or do you expect or hope for any consideration or thing, or money of value for your testimony here to-day? A. I have received nothing, and do not expect to receive anything.

Q. You are a gentleman that is conducting your own business?

A. Yes, sir; I am engaged with the Western Union Telegraph Company, and have been with them, off and on, for 30 years.

Q. You used to be an old war telegrapher, didn't you? A. Yes, sir.

Q. A telegrapher connected with the army during the war?

A. I was connected with telegraph interests all through the war.

Mr. Goff.—That is all, Mr. Tomlinson. Now Senators, it is a quarter to six o'clock. I have been —

The Chairman.—Your are entitled to an adjournment. You need not make any apologies for an adjournment.

Mr. Goff.—I have been talking with Mrs. Hermann, and she has expressed to me her desire to abide by the behests of this committee. The only thing that she had an objection to was that Friday she looks upon as an unlucky day, but I have overcome that objection by telling her she has commenced her testimony to-day, and I think Madame Hermann will be in better and more pleasant condition after a night's rest. I think we would be justified in adjourning. Before adjourning, Mr. Senator, I think the circumstances warrant a public announcement from this committee, through you; and I make this request that you announce publicly that this witness now is on the stand before this committee, that she is in charge of the sergeant-at-arms of this committee, and that any person that will attempt to interfere with her in any way, since she has expressed her complete willingness to come before this committee to answer such questions as may be put to her, that any such person that will attempt to approach her, or cause her to be approached, will commit a crime.

The Chairman.—That is right.

Mr. Goff.—Punishable by at least three years in the State prison of this State as specified by law, and that this committee in case any such matter occurs, or any person attempts to interfere with her, whether lawyer or civilian, this committee will use all the means at its disposal to punish that person.

The Chairman.—As far as the deputy sergeants-at-arms, deputed to take charge of her, they ought not to permit anybody to see her, or talk with her on any account, and if any

person attempts to do it we will see the full criminal law of the State is meted out to them.

Mr. Goff.—And one other thing, Mr. Chairman, I wish you to emphasize, that she being a witness she is not entitled to counsel.

The Chairman.—Not now; no, sir.

Mr. Goff.—And counsel can not claim a right to see her or communicate with her.

The Chairman.—Not at all.

Mr. Goff.—That I want to be especially emphasized.

The Chairman.—No one should see her. Mr. Goff, Mr. Andrews is here. Do you wish to give him an opportunity to be heard to-night?

Mr. Goff.—If Mr. Andrews wants to take this stand he will have to come at a time that will be convenient within a reasonable time to this committee. I tried to get this testimony in earlier in the day; and in justice to Mr. Andrews I subpoenaed him here so that this would not take place in his absence; but at the same time I do not feel like going into an examination of Mr. Andrews to-night. Will you caution all witnesses to attend here, Mr. Chairman?

The Chairman.—All witnesses subpoenaed to attend here to-day will be sure and be here to-morrow morning promptly at half-past 10, to which time the committee stands adjourned.

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Proceedings of the fifty-seventh session, Friday, November 2, 1894, at 10 a. m.

Present.—Senators Clarence Lexow, George W. Robertson, Daniel Bradley, Cuthbert W. Pound and Edmund O'Connor.

John W. Goff, Esq., and Frank Moss, Esq., as counsel for the committee.

Chairman Lexow.—I see in this morning's paper a statement by a Mr. Cassidy, to the effect that the chairman of this committee handed a confidential communication to Judge Jorolamon, which was subsequently made the basis for a indictment against the sender of the letter. The letter was not sent to me in a confidential or private manner, but publicly, and was not handed to Judge Jorolamon by me until after the letter, or

a copy of it, and appeared printed in extenso in the Daily News. That publication was shown to me before I handed the letter to Judge Jorolamon, and after I had found that Mr. Cassidy had himself given full publication to the matter, I handed the libelous letter to the judge, and the letter shows itself that it was of a public character, calling upon this committee to investigate with reference to the charges made in the body of the letter, and it is just as well that those who propose to use this committee as a vehicle for the expectoration of their malice should know that they can not accomplish any such results.

Mr. William S. Andrews.—I ask the privilege of putting upon the record of this committee my sworn denial of the charges contained in the testimony taken here against me yesterday.

Senator O'Connor.—The committee have selected counsel. Every lawyer knows very well that client can not interfere with the work of the counsel.

Mr Andrews.—Then I address myself to the counsel, sir.

Senator O'Connor.—Let me state the position of the committee. This committee does not know from one day to the other, largely, the evidence to put in here. Their counsel devote their time in preparing the case. Of course, we can not interfere with their plans, without their consent. We feel that it is our duty to the counsel of this committee that as long as they remain counsel they should prepare and try the case in their own way.

Mr. Andrews.—I have made my request.

Senator O'Connor.—Certainly; just what you would ask for every other witness or every other person charged would be entitled to—the same consideration. It would only involve constantly breaking into the plan of the counsel of the committee, and very much disorganize the work. If Mr. Goff says it will not interfere, that is another thing.

Mr. Andrews.—(To Mr. Goff.) By direction of the committee, I address myself to you, sir.

Senator Bradley.—I would suggest, Mr. Andrews, that you speak to Mr. Goff privately.

Mr. Goff.—I can not work more than twenty-four hours out of twenty-four, Mr. Chairman. May I say here that even from the physical standpoint, I am not in condition to appear before this committee to-day, but I am going to do the best I can. We have got to use witnesses as they come up. I can not break in. When Mr. Andrews takes the stand, he must recognize that he will take it subject to cross-examination, not only in relation to

this particular matter, but in relation to such lines as I may think proper to follow.

Mr. Andrews.—I desire to do that, at any time that you are ready for me. I only ask now the privilege of denying the charge made against me, under oath.

Senator O'Connor.—You will have an opportunity, Mr. Andrews.

Mr. Goff.—So that there will be no apparent injustice done to you, or any man; I wish now, Mr. Chairman, that the record will show that Mr. Andrews has openly, in the court room here, denied the charge. I wish that to appear upon the record now that Mr. Andrews has done so, but as to Mr. Andrews' examination, it may take quite a period of time that I am not prepared to fix now. But your denial now in your own words is taken down, Mr. Andrews.

Chairman Lexow.—Is Mr. Tekulsky in court.

Mr. Goff.—(After calling for Mr. Tekulsky.) He does not respond.

Chairman Lexow.—Did you get a telegram from me last night, Mr. Goff?

Mr. Goff.—No, sir.

Chairman Lexow.—I telegraphed you to ask Mr. Tekulsky to appear here this morning.

Mr. Goff.—I haven't received any word.

Chairman Lexow.—Would it be possible to send a messenger after him and have him appear after recess.

Mr. Goff.—Yes, sir.

Chairman Lexow.—Will you be kind enough to send one of your messengers, Mr. Goff?

Mr. Goff.—I wish to request, Mr. Chairman, that all police officials who have been heretofore subpoenaed, and who are here to-day in compliance with notices, leave the court-room until called upon.

Chairman Lexow.—All officers under subpoena to-day will leave this court-room until called for.

Mr. Goff.—Excepting, of course, those officers who are on duty in the committee-room.

Chairman Lexow.—They are not under subpoena.

Mr. Goff.—I wish they would go into an adjoining room.

Chairman Lexow.—All those under subpoena will go into an adjoining room, or into the hall until called for.

Mr. Goff.—It is but proper, Mr. Chairman, that before com-

mencing the examination of the witness, Mrs. Hermann, that I should put on record the fact that Judge Lippincott, in New Jersey, yesterday rendered a decision before the witness left the State, upholding in every particular the position occupied by our counsel before the Jersey courts on the habeas corpus proceedings. The question was raised in Jersey, for the first time, and Judge Lippincott said that he would establish a precedent. It will become a valuable case in jurisprudence, not only in Jersey, but in other States, on the question of habeas corpus, and on this question of contempt. I further desire to state, as a matter of justice, now, that it is proper that this committee, through me or through its chairman, should express its recognition and its appreciation of the kindness shown to our counsel and to the committee by the officials in Jersey City. I say that, because there was a misapprehension at the commencement that the officials in Jersey City were part and parcel of what was considered a conspiracy.

Chairman Lexow.—It didn't take very long to correct that misapprehension.

Mr. Goff.—It didn't take very long, sir, and we wish to place it on the record now.

Chairman Lexow.—I believe we have already, Mr. Goff.

Mr. Goff.—But we wish to mention expressly, to the mayor of the city, Mayor Wanser, the chief of the police, Mr. Murphy, and the sheriff of Hudson County, Mr. Toffey, who has been very, very kind and anxious, in fact, to serve this committee in every possible way; and also the chief warden of the prison, Mr. Mitchell, and also Chief Justice Potts, of the Police Court in Jersey City. Each and every one of these officials we have to say nothing but commendation of, and express our appreciation of their kindness to our men and to our counsel.

Chairman Lexow.—The committee is satisfied to have the statement of Mr. Goff, being as broad as it is, and covering the whole ground, considered the statement of the committee.

Matilda Hermann, examination resumed by Mr. Goff.

Q. Mrs. Hermann, how long have you been in New York?

A. I came the 17th of August, in 1882.

Q. How long have you been residing in New York? A. I came in 1882.

Q. Did you come from France here? A. Yes, sir.

Q. And where did you first open a house, Mrs. Hermann?  
A. In West Third street.

Q. And what was the number? A. One hundred and thirty-nine West Third street.

Q. How long did you keep that house, Mrs. Hermann? A. I kept it—

Q. (Interposing.) About; just as nearly as you can recollect?  
A. It is about a year and a half.

Q. While you kept 139, Mrs. Hermann, did you open another house? A. Yes, sir.

Q. What other house did you open? A. One hundred and thirty-six West Third street.

Q. That was on the opposite side of the street? A. Yes, sir.

Q. And how long did you keep 136? A. I had that twice.

Q. Twice? A. Yes, sir; I sold it, and I take it back again.

Q. And did you open another house, Mrs. Hermann? A. Yes.

Q. What was the other house? A. One hundred and thirty seven West Third street.

Q. Did you have those three houses running together, Mrs. Hermann at any one time? A. Yes, sir.

Q. How many girls did you have in 137? A. Sometimes—

Q. (Interposing.) As a general thing, you know? A. Sometimes 10, sometimes more.

Q. And how many girls had you in 136? A. Six or seven.

Q. And how many had you in 139? A. I had eight or nine together; both houses was coming in together.

Q. So that, all together, you had about 24 or 25 girls in the three houses? A. I had 133 West Third street, too.

Mr. Goff.—That is the house that Cooney swore he never heard about — disorderly-house.

Q. You had four houses, then? A. I had five.

Q. In the one street, Mrs. Hermann? A. Yes, sir.

Q. And what was the number of the fifth house? A. One hundred and eleven West Third street.

Q. They were all in West Third street? A. Yes, sir.

Q. So that we may know the block, between what streets?  
A. Between Sixth and MacDougal.

Q. All in that one block? A. One was in the next.

Q. That was 111 I think? A. Yes, sir.

Q. Mrs. Hermann, you had a niece that you were fond of, did you not? A. Yes, sir.

Q. That niece came to you from France, did she not? A. Yes, sir.

Q. And she was sent to you from France by her father? A. Yes, sir; and I paid her way.

Q. So that you could take care of her here? A. Yes.

Q. Mrs. Hermann, how old was she when she came from France? A. She was between seventeen and eighteen.

Q. And when that niece came here, so far as you knew, she was a good girl? A. Yes, sir.

Q. And you wanted to keep her a good girl? A. Yes, sir.

Q. That was what the father sent her to you for? A. Yes, sir.

Q. Keep her a good girl? A. Yes, sir.

Q. Even though, Mrs. Hermann, that you had those houses at that time; did you keep her a good girl? A. I had a floor outside for her; and she never came to me while I had a house.

Q. What was her Christian name? A. Irma Armand.

Q. You kept her away altogether from your house? A. Yes, sir.

Q. And she had nothing whatever to do with that? A. No, sir.

Q. And never went into them, as far as I am informed? A. No, sir.

Q. And so far as you know, she didn't know what business you were engaged in? A. No, sir; she thought I was keeping a respectable boarding-house.

Q. And you paid her board and clothed her? A. Yes, sir.

Q. And tried to keep her as good and as nice as you possibly could? A. Yes, sir.

Q. So that, Mrs. Hermann, no matter about the business that you were in, you felt for this young girl? A. Yes, sir.

Q. And did your best to keep her right? A. Yes, sir.

Q. Irma's father and mother quarreled, did they not, in France? A. She came here, and she left her husband in France.

Q. That was Mary, wasn't it — your sister's name? A. Mary Hermann.

Q. We will call her Mary; did Mary and Irma come together here? A. No, sir; my sister came nearly a year before.

Q. Nearly a year before Irma came? A. Yes, sir.

Q. And the father sent the niece to you to take care of? A. Yes, sir.

Q. He wouldn't send her to her mother because he thought you would take better care of her? A. While I was in France,

he asked me if I wanted to take her with me — take her to New York — and of course, I told him I would see about it; and then I sent her the money to come to me.

Q. After you had your niece here — she is not in court this morning? A. No.

Q. I know she is not; did not her mother get her away from you? A. Yes, sir; at the time I was sick.

Q. And you weren't able to be present and protect her, and keep her from her own mother? A. Yes.

Q. And while you were sick, this girl's mother took advantage of your sickness, and got her away from you? A. She had her to her place.

Q. Took her to her place; your sister was then running a house with girls in? A. Yes, sir.

Q. What was the number of the house run by your sister? A. One hundred and forty-one West Third street.

Q. I want to get this matter right, so that we will do justice to you, Mrs. Hermann; you understand what I say, do you not? So that while you were sick, this girl that you were protecting was taken away from you by her own mother, and brought into the house of ill-fame that she was running? A. Yes, sir.

Q. And the poor girl was made use of in that house, wasn't she? A. I see my sister, and I told her if she don't keep that girl out of there I would make her trouble, and I did; I went to see the captain; I saw her picture, the time when it was taken, near naked, and the captain didn't do anything; that is all I had with him; and I often write letters to the men, to Superintendent Byrnes, to the captain, and never had satisfaction in no ways; I seen the captain and every one was laughing, but me; I, he told me I had nothing to do with her; she had her mother, and her mother was responsible for her.

By Chairman Lexow :

Q. Did you write to the Gerry society? A. She was over age; she was 18 years of age.

By Mr. Goff:

Q. Who told you that, that they couldn't do anything with her, that she had her own mother? A. The captain — the captain of the precinct.

Q. What captain was that? A. Captain Haughey.



By Senator O'Connor :

Q. Did they tell where the daughter had been taken? A. I showed the picture and showed the letters I had received, and I begged him to take her away from there; and he told me she kept a respectable house; I told him, "Captain, you come with me, and I show you she don't keep a respectable house," and he told me that he would have nothing to do with it, and then I told the captain, "Captain, you arrest me once; I was not in the place, and I was a very sick woman;" he said, "I know it; I only do that for spite."

By Mr. Goff :

Q. He said he couldn't do anything? A. He only did it for spite; I told him, "Captain, you are here to-day; you do not know where you will be to-morrow;" and then he got saucy and insulted me, and I got out; it was in the station-house.

Q. And your appeal to the captain at that time was for the purpose of trying to get this young girl? A. I know that she paid \$15 protection every week to him.

Q. You know your sister paid? A. Yes, sir; and I told him I would pay him the \$15 protection; I told him, "Captain, if you do not take her out, I will go and shoot her in the place;" and nothing was ever done.

Q. Then you understand that you knew that your sister Mary was paying to Captain Haughey, \$15 a week protection money? A. Yes, sir; to his men, Peterman and to Harry.

Q. It was understood, of course, that that went to the captain in the precinct? A. I suppose so.

Q. You offered to pay the captain the \$15 a week yourself, if he would only take your niece out of that house? A. Yes, sir.

Q. And he wouldn't do it? A. No, sir; he told me he lock me up and give me five years; the wardman told me he give me five years, for I can not speak in prison if I go there.

Q. The wardman told you that he would give you five years? A. In prison, if I don't let my sister and my niece alone.

Chairman Lexow.—I see that Mr. Tekulsky is here. I want to ask him a question.

Maurice Tekulsky recalled.

By Chairman Lexow:

Q. You are still the president of the Wine, Liquor and Beer Dealers' Association of the State New York? A. No, I am not.

Q. When did you cease being president? A. On the 17th of last month.

Q. You were not president then on October 30, 1894? A. No; I was not.

Q. Were you president in March, 1894? A. I was; yes.

Q. Do you know anything in reference to a circular, of which this is a copy (paper shown witness), which has been issued by the Wine, Liquor and Beer Dealers' Association of the State of New York? A. I believe there was a committee appointed by Mr. Holland for the purpose of doing something; what it is I do not know; I was very busy; I was asked to act upon the committee, and I did not know what they done; I suppose that is the circular.

Q. Did you see the original letter dated, March, 1894, of which this purports to be a copy? A. Yes; I see it; not exactly in this form, but the words are the same, issued by what is known as the West Side Excise League.

Q. But did you see the original letter, sir, of which this is a printed copy? A. Oh, no; I seen only the printed circular.

Q. You were a member of the committee? A. I was a member of the committee; in fact, I was not a member of the committee; I was president.

Q. At that time? A. At that time, when this reform association sent out that circular, to members of Assembly, inclosed with a postal card, in return, to the writer, Mr. Watson, I believe it is, or Mr. Chapman.

Q. Benjamin F. Watson? A. Giving his views upon the high license bill which was introduced by Mr. Lawson; that is what this has reference to — last winter.

Q. You say you didn't see, however, the original letter or the signatures? A. No; the original letter was sent to Mr. Watson; he would be the only man that would have it.

Q. Then the Beer and Liquor Dealers' Association has simply used the printed circular — A. (Interposing) Of the West Side League.

Q. (Continuing)—issued by Watson; is that so? A. I suppose that is so.

Q. Now, Mr. Tekulsky, it is claimed that the signature of Levi P. Morton, purporting to be attached to that circular, is a forgery; do you know anything about that? A. I do not.

Q. Do you mean to say that your association took a printed circular with the supposed signature of Vice-President Morton

to it, and issued it without finding out whether or not it was a forgery, or whether it was genuine? A. That circular was sent out broadcast by this society, which is well known, and such men as Killian Van Rensselaer and Chapman and all those people belong to it; their names were attached to it; the circular was much larger, and there is probably no question about it but what it was a fact; they took it for granted, because these men were up there in Albany and distributed the circulars themselves.

Q. Now, the fact is, Mr. Tekulsky, that this letter was addressed, was it not, to the Hon. Levi P. Morton, as vice-president, and was not signed by him; (paper shown witness); look at it; and that it has been so printed as to give the impression that the letter was signed by him; isn't that the fact? A. I couldn't say. !

Q. Just look at the letter and state whether or not that is a fact? A. This circular is a fac simile of the copy which was sent out to the members of the Legislature; Watson's name and Morton's name as president and vice-president, and Fulton's name as secretary; now the signature, naturally, on this circular would not be the vice-president's signature; would be done by Mr. Watson and Mr. Fulton of the society.

Q. So you see that that is not the signature, or the original would not be the signature of the vice-president, Mr. Morton? A. No; I do not; but I think the society would send it out.

Q. But you see that it has been so printed as to give the impression that it was signed by him? A. The fact is that it was never denied; and by a society of those largely in control of the west side; especially the Twenty-third assembly district, and all men property owners, etc., that sent out that circular; and I took it for granted that he was a party to that.

By Senator O'Connor:

Q. Don't you know as matter of fact that Mr. Morton was in Europe when that circular was signed and circulated, and that he has been in Europe for nearly a year, and only returned very recently? A. Yes, sir; but the society took it upon themselves to print their officers names, just as they did here.

Q. So Mr. Morton had nothing to do with it? A. Only as a member of that club.

Q. Even then he had nothing to do with it? A. As far as he was personally concerned, no.

Q. Had no knowledge that it was sent out? A. I do not know.

By Chairman Lexow:

Q. Is that the way the wine, beer and liquor dealers carry on their campaigns in this city, by issuing circulars of this description, appealing to the voters in this State to vote for a particular party, and putting on the record in print a circular which they know is false, on the face of it? A. I want to say right here that we never issued a circular which is false; this circular—I do not know whether this committee has issued it or not; that is the first time I have seen it.

Q. You are ashamed of it too, aren't you? A. I want to say right here now that if Levi P. Morton or any other man was connected with this society, and would take the advantage that they did in reference to legislation, I claim that it would be perfectly right and proper to publish every man's name that belongs to that society, who countenances it whether it is my association or any other; we have to protect our own interests.

By Senator O'Connor:

Q. Do you think that your association ought to make use of a circular or of a letter purporting to be signed by a gentleman whose name was never signed to it, and who knew nothing at all about it? A. His society signed it; they were the original forgers.

By Chairman Lexow:

Q. But because you know a society forges a circular of this kind, and because you knew that in March Mr. Morton was in England and not here— A. (Interposing), I did not know it.

Q. Everybody in the country knew it—do you think that your association has a right to issue a circular which they know is false and fraudulent upon its face? A. I do not believe they knew it, if they did they wouldn't do it.

By Senator O'Connor:

Q. You are satisfied now that Mr. Morton did not sign it, and that he wasn't here? A. I am very nearly satisfied he wasn't here, according to the statement now made, but this

society has brought it on, and I claim that this committee that was appointed only took a copy of the original coming from this society.!

Q. You know for a year prior to his receiving the nomination he was constantly absent in Europe, and this circular purports to be issued in March? A. I do not know about that.

Chairman Lexow.—I think that we ought to take this down upon the minutes; it appears here that this association not only interferes with the police department of this city, but with every department; attempts to pack the grand jury, and issues, in addition to that, fraudulent circulars, with a view to inciting voters in the State against particular candidates, and it is a matter, it seems to me, of sufficient importance to go down on the record of this committee.

Mr. Goff.—All right, sir; let the stenographer mark it in evidence.

The Witness.—I would add also that you might put in that West Side league—the Excise league—because they were the original starters of that circular.

Chairman Lexow.—We are just as much opposed to illiberality upon questions of this kind, as we are opposed to that narrow and puritanical way of attacking candidates before the people.

Senator O'Connor.—It is a repetition of the Morey tactics?

Mr. Goff.—I may say here that I voice the sentiments of this committee, not only from their public expressions but from private conversations with them, that they were in no sense, at any time, actuated by any spirit of hostility to the liquor trade of New York. The only spirit that actuated this committee or its counsel, towards the men engaged in that trade, was to try and relieve them from the oppression of police blackmail. You all know that, gentlemen. It was discussed early, so far as my relation with you as counsel goes, and that this committee never formed a thought or an idea antagonistic to the men employed or engaged in that business in New York, but to relieve them, so far as they could, by recommending legislation, from the oppression of blackmail, either by the police, political party, or any one.

Senator O'Connor.—So long as they themselves observe the law, and when they pursue a legitimate business to free them from the attacks of political pirates.

The Witness.—I will try and get you a copy of that original letter.

Chairman Lexow.—I am glad to hear that you, personally, had nothing to do with it.

The Witness.—It is a long type-written article which was sent out to everybody, and I suppose they got hold of it and used it, but I do not know anything about it; first I have seen of it.

The paper referred in the preceding examination is marked Exhibit A of this date, and is as follows:

#### EXHIBIT A.

November 2, 1894.

#### THE WINE, LIQUOR AND BEER DEALERS' ASSOCIATION OF THE STATE OF NEW YORK.

##### *State Officers for 1894-1895.*

Daniel Holland, New York, president.  
John O'Hara, Binghamton, first vice-president.  
Thos. J. Lally, Yonkers, second vice-president.  
John Morrissey, Syracuse, recording secretary.  
Julius Gottschalk, Brooklyn, financial secretary.  
August Baetzhold, Buffalo, treasurer.  
Martin W. Golden, Rondout, sergeant-at-arms.

##### *Past Presidents.*

P. J. Fitzgerald, Troy, New York.  
R. T. Kearns, New York.  
Geo. C. Campbell, Pittsburg, Pa.  
Robert W. Oliver, Brooklyn, N. Y.  
Morris Tekulsky, New York.

##### *Executive Committee for 1894.*

A. A. Noonan, New York.  
Louis Striever, New York.  
Frank G. Rinn, New York.  
Christopher Boylan, New York.  
Henry Hirsch, New York.  
Cornelius Roche, New York.  
M. A. Nolan, Albany.  
Geo. H. Mead, Troy.

John Glasser, Buffalo.  
 Laurence Murray, Elmira.  
 John F. Molloy, Utica.  
 William C. Wehle, Rochester.  
 P. H. Butler, Brooklyn.  
 O. G. Haesloop, Brooklyn.  
 J. A. Beaver, Niagara Falls.  
 P. H. Nolan, organizer western district.  
 P. H. Mallon, organizer eastern district.

New York, October 30, 1894.

My Dear Sir.—Inclosed will be found a concise and truthful statement of Senator Saxton's record upon the liquor question, as obtained from the Assembly journals of 1887, 1888 and 1889.

To show how inimical Morton is to the liquor interests of the State, the following circular letter is copied to prove the attitude of Morton upon the excise question. The circular letter was issued by the Legislative Excise Reform Association, under date of March, 1894, and Morton is one of the vice-presidents of the association. This Excise Reform Association is well known throughout the State to every liquor dealer on account of the legislative committee it sends to Albany every year to antagonize the interests of the trade in favor of a high license. The following is a copy of the letter above referred to, which is self-explanatory:

#### EXCISE REFORM ASSOCIATION.

New York, March, 1894.

Dear Sir.—What is now needed is a demonstration by the people themselves which shall convince our Senators and Assemblymen that high license is demanded by the independent men of both parties. Will you kindly write to your Senator and Assemblyman at once upon the subject, and procure as many other persons as possible to write to them, urging the passage of the bill now before the Legislature. Whatever their politics or yours may be they are your representatives and are bound to respect your views. Personal letters are best, but failing these, please have inclosed petition filled and returned to our secretary as speedily as possible. :

Hearing upon the bills will be had at Albany. In case you can not be present or be represented there, we shall be happy to present on your behalf any memorial, petition or set of reso-

lutions which you and the citizens of your vicinity may desire to present.

I inclose a postal card, a blank form of petition and abstract of the bill. Will you kindly fill out and return the postal in order that we may be informed as to which members of the Legislature have been written to.

Respectfully yours,

B. F. WATSON,

President.

Hon. LEVI P. MORTON,

Vice-President.

T. A. Fulton, Secretary, 83 Walker Street, New York, N. Y.:

In view of such a letter, it is impossible that any dealer in the trade can, for a moment, support Mr. Morton, whose very connection with the above association shows he is unalterably in favor of a high license law and if elected Governor would undoubtedly sign a high license bill, if passed by a Republican Legislature. This is self-evident from the contents of the above circular letter, which he signs as vice-president, and shows he is fully in accord with Senator Saxton's well-known record upon the excise question.

Morton and Saxton are conclusively of one mind upon this matter, and both would be in favor of a high license law, such as Saxton has repeatedly voted for in the Assembly.

We urge every dealer to take in consideration the physical disability of Hon. Levi P. Morton. He is a man so well advanced in years that a probability exists that Senator Saxton may be called upon at any moment to step from the chair of Lieutenant-Governor into that of the Governor of this State, and a more persistent enemy to our interests could not be found in the Empire State than Senator Saxton.

Saxton, on May 26, 1887, in the Assembly, voted for the bill imposing a State tax of \$400 upon the 40,000 liquor dealers of the State in addition to their regular licenses. He also voted for the Crosby High License Bill, and the "Vedder" bill to tax the sale of beverages in certain cases, and every liquor bill that discriminated against the interests of those in our trade. The objects of our association may be briefly stated as follows:

First. The protection of its members against at the attacks of the enemies of the trade.



**Second.** To protect ourselves against the enactment of unjust and fanatical laws, and to procure the repeal of such laws now on the statute books of this State, and to secure such legislation to which we, as good citizens and honest merchants, are entitled.

**Third.** To protect the members in the smaller cities and towns by taking such steps as will prevent an increase in the number or cost of licenses, and to discourage the credit system which has been an injury to the trade in the past.

**Fourth.** To procure the greatest personal liberty consistent with the laws of the land for those engaged in the trade, and thus secure that recognition in the commercial world to which the liquor traffic is rightly entitled, and to demand our rights as American citizens.

This society belongs to no political party and never will.

But we oppose all arbitrary and harsh legislation of a sumptuary character that has been passed by several Republican Legislatures, and which has been vetoed by Governor Hill. We resent the nomination of Morton and Saxton, for Saxton's legislative record, and the connection of Morton with the Excise Reform Association is undisputed evidence that these men are our enemies, and should be repudiated by us. For this reason the attached statement of Saxton's attitude should be thoughtfully read by every dealer:

May 26, 1887, Saxton voted for the bill, on final passage, known as an "Act to tax beverages in certain cases."

Governor Hill said in his veto message: "In brief, the bill taxes two-thirds of the State for the benefit of about one-third. It is partial, crude and unprecedented in its provisions. The people do not want any such measure. It was conceived in political expediency, born of political hypocrisy, and has had its growth in rank injustice and in the utter violation of every correct principle of taxation."

The measure was purely a discriminating liquor tax bill. It imposed a tax of \$400, in addition to enormous license fees, upon places in the cities of New York and Brooklyn, and in other cities of the State was placed at \$200.

In 1888, Governor Hill vetoed a bill, "To regulate the sale of intoxicants in this State," which Saxton voted for, Governor Hill saying in his veto:

"It imposes an unjust burden upon the ale and beer business, and renders it possible that a greater sum may be demanded

for such a license than for a liquor license. It provides that from \$300 to \$1,000 may be required for a liquor license, while for an ale and beer license alone the sum of \$400 may be insisted upon as the maximum sum. It is submitted that such a peculiar and unusual provision is not demanded by public sentiment, and ought not to be approved."

April 3, 1889, Saxton voted for that flagrantly unjust measure known as the "Crosby High License Bill," which aroused the righteous indignation of every liquor dealer in the State. Crosby, who introduced it, is a Republican and was generally believed to be a member of the Excise Reform Association, of which Mr. Morton is now vice-president. Governor Hill vetoed the bill when it reached his hands, and his ringing denunciation of that bill is still familiar with every leader in the trade in this State.

Saxton, on May 14, 1889, voted for the "Vedder" liquor tax bill. But Senator Hill vetoed this bill, like all others that were unjust and discriminated against our interests.

The above brief recital of Saxton and Morton's records, and how Governor Hill befriended our interests for the seven years he was Governor, should be apparent to every dealer, large and small, and what action we should take individually and collectively in this fall's campaign can readily be realized by every reader of this document. We have proved that Morton and Saxton are our enemies. Senator Hill has proved by his official acts that he is opposed to unfair legislation directed against our interests, and it is unnecessary for us to state he should be heartily supported by our trade. To those not members of our organization their interests are as much at stake as our own, and in this fight we appeal to the unorganized liquor dealers to combine with us in our struggle against our enemies.

(Signed)

Daniel Holland, John O'Hara, Thos. J. Lally, John Morrissey, Julius Gottschalk, August Baetzhold, Martin W. Golden, P. J. Fitzgerald, B. T. Kearns, Geo. C. Campbell, Robert W. Oliver, Morris Tekulsky, A. A. Noonan, Louis Striever, Frank G. Rinn, Christopher Boylan, Henry Hirsh, Cornelius Roche, M. A. Nolan, M. J. Nolan, Geo. H. Mead, John Glasser, Laurence Murray, John F. Molloy, William C. Wehle, P. H. Butler, C. G. Heasloop, J. A. Beaver.

P. H. Nolan, organizer western district; P. M. Mallon, organizer eastern district.

**THE EXCISE QUESTION AS EXPLAINED BY DAVID B. HILL, AT MUSIC HALL, BUFFALO, N. Y., FRIDAY, OCTOBER 19, 1894.**

"There are some questions, which by reason of the Republican platform and by reason of the letter of acceptance of the nominal candidate for Governor, are brought up in this campaign. They do not seem to be satisfied with the existing excise laws placed upon the statute book by a Democratic executive and a Democratic Legislature. I am here to say, while our excise laws are not absolute perfect, yet they are reasonable, they are just, they are equitable, they are not illiberal, they are not narrow, they are not productive of bad results, as a whole. It took a long number of years and a great struggle between the radical elements of the Republican party and a Democratic executive before the former laws were repealed, and a safe, conservative and reasonable excise law was placed upon the statute book? Have you forgotten further what they should be changed. What do they propose to take their place? Do they contemplate the struggle, the high-license struggle over again, when they sought to place upon the statute books a statute which provided that the lowest license fee that should be charged in the State was \$1,000, and the highest should be an unlimited sum—the maximum sum limited? Are the people prepared to give their approval to that kind of legislation which, when they had the power, they sought to put upon the statute books? Have you forgotten further what they attempted to do then and what, in spite of their professions, they will attempt to do now if they get control? Have you forgotten the infamous Vedder Tax Bill which provided for a tax of \$500 in addition to this upon every license granted, and it provided that the money should be paid, not into the local treasury of the city or town where the license was granted, but should be paid into the State treasury? You recollect the arguments which we presented to the people at that time. We said, the Democratic doctrine is that all license fees, whether you call them license fees, taxes, or whatever you call them, should belong to the locality where the licenses are granted. (Applause.) I know of no good reason why your excise moneys, no matter what they might be called, shall be taken and divided

with other counties of the State, especially some in the northern part of the State where no licenses whatever are granted. The Democratic theory is, local revenues for local purposes, and no diversion of these local taxes or local fees for State purposes. I tell you, my friends, just as soon as they obtain the control of this State government they will attempt to place these laws again upon the statute book. It is not safe to trust them. The letter of acceptance and the platform show what is their purpose."

Continuation of the examination of Matilda Hermann:

By Mr. Goff:

Q. Mrs. Hermann, we were at the point where you offered to pay Captain Haughey the \$15 a week which your sister was paying for her house; when you said that to Captain Haughey, did he deny that he was receiving \$15 a week from your sister?

A. He was very mad, and I think he will arrest me, and I was out of the station-house right away.

Q. He was very mad and you thought he would arrest you?

A. Yes.

Q. Well, you told the captain that if he didn't take your niece out of that house that you would shoot her? A. Yes.

Q. And what did he say to that? A. He only laughed at me.

Q. Was that the time that you showed him the young girl's portrait? A. Yes, sir; he looked on about 10 minutes.

Q. He looked on the portrait about 10 minutes? A. Yes sir. and he knew her very well, and he told me, "This is her."

Q. He knew her? A. Yes, sir.

Q. He told you that he knew her? A. Yes, sir; I have two pictures, and he took her out right away, and he said, "This is your niece."

Q. You showed him two pictures — that is one picture not of her? A. Yes, sir.

Q. And he picked the niece out from the other — out of the two pictures? A. Yes, sir.

Q. Did he say anything, Mrs. Hermann, about the girl being employed in a decent business and selling honest cigars? A. He told me, "I can not help it; she sells decent cigars, and I can do nothing by it."

Q. That she sold decent cigars; what was there; was there a cigar store in that house? A. Yes, sir.

Q. And your niece was waiting on the cigar counter? A. Sometimes, and sometimes not.

Q. You knew that cigar business was simply a blind? A. Simply a fake.

Q. Had you seen the girl at this time, Mrs. Hermann; did you have a chance to talk with her? A. I was in once to her house, and I see my niece and three other girls, and my sister; and I beg her if she will take my niece out of there, and she told me no, and she told me she was well protected from the police, and I can do nothing to her nor to my niece, and I told her, "You must be ashamed of yourself, to have your own daughter here," and she told me if I don't go out she will send for the police for me, and then I have her raided.

By Chairman Lexow:

Q. Then you had her raided? A. Yes; had the house raided.

By Mr. Goff:

Q. How long ago is that, Mrs. Hermann, since that raid was made? A. I am so excited I can not remember.

Q. Take your time; don't be excited; there is nothing here to excite you or frighten you. A. I think it is about a year last August — a year last August.

Q. Was that the case that went before Mr. Justice Hogan? A. Yes, sir.

Q. And who made the complaint in that case? A. I do not know anything about it; I have a lawyer, and he told me he would attend to everything.

Q. You employed a lawyer? A. Yes, sir.

Q. But you wanted the house raided for the purpose of saving the niece? A. Yes, sir; we have a letter written to the district attorney that my niece was in this house and we liked to have her out; the district attorney write a letter back that he will attend to it if he had the number of the house; we sent the number of the house, and he sent a letter to my sister; my sister was there, and he told her to close up the house; then two or three days after she was opened just the same, and then the house was raided, and I was away at the time.

Q. Wasn't there a great deal of trouble, if you remember, before the police justice in that case? A. Mr. Hogan wanted to save the captain, of course.

Q. Mr. Hogan wanted to save the captain? A. Yes; and he wanted to put us in for conspiracy.

Q. That is, the police justice wanted to put you in for conspiracy? A. Yes; but Judge Hogan knew very well if the house was arrested there was girls of this kind there, for he raided them many times before.

Q. Don't you remember that Judge Hogan wanted to punish your lawyer for contempt? A. Yes, sir.

Q. Wanted to put him in prison? A. Yes, sir.

Q. Because your lawyer, Mr. Terry, refused to disclose the name of his client? A. Yes, sir.

Q. Don't you remember that? A. Yes, sir.

Q. I ask you this question, because Mr. Terry is not at present in the State of New York; he is a member of the bar, but is always in the west on legal business; do you remember that Mr. Terry applied to the high court here—one of the high courts here—I think it was the Supreme Court—for a mandamus; a paper to prevent Judge Hogan from sending him to jail because he would not disclose your name? A. The man, he do not know me that time; I never seen the lawyer before; only I see him after the case was near over.

Q. You had nothing to do with Mr. Terry directly? A. No, sir.

Chairman Lexow.—A writ of prohibition.

Mr. Goff.—Yes; they applied to Justice Ingraham of the Supreme Court.

Q. So the matter turned, Mrs. Hermann, that it wasn't the case of your sister's house that was tried at all, but it was the case of the people who made the complaint? A. Yes, sir.

Q. That was the case? A. Yes, sir.

Q. And has that case, so far as you know, ever been decided? A. I do not think so; I received a subpoena, and I was never there.

Q. Up to last August the judge hadn't decided that case? A. No; I do not think so.

Mr. Goff.—You hear, Senators, that even up to last August, from the year before, that the judge had not decided the case; that is a year ago, and it was not decided last August, and as matter of fact it is not decided to-day.

Senator O'Connor.—Where is this young girl all the time.

The Witness.—The judge know very well it was a house of that kind, for one girl, she was already before him 10 or 12 times.

Q. From that house? A. Yes; and he gave her six months, and she was two months on the island before, and he sent her there himself.

Q. And notwithstanding the judge's knowledge of having sent girls from that house to the island, he refused to hold your sister? A. Yes, sir.

Q. Refused to convict her of keeping a disorderly-house, and proceeded to try the people who made the complaint against her? A. Yes, sir; and even he put a gentleman friend of mine in, when it was me raided my sister and nobody else; it was only me; he put a gentleman friend of mine in the papers, that he was raiding the house; it was not so; it was only me.

Q. That is, he named a gentleman friend of yours? A. In the case.

Q. And it was not that gentleman friend at all, but it was you? A. It was me.

Mr. Goff.—We have that gentleman friend, when we are ready to call upon him. The gentleman friend acted as an attorney in fact for this witness, and employed counsel.

The Witness.—He only go security for the money.

Q. What has become of your niece? A. I do not know; since I am away I think she is away too; I do not know.

Q. She was here in court one day, and I was speaking to her? A. Yes.

Q. You know the name that she goes by now? A. No, sir.

Q. Did you ever hear of her being married? A. That is the first I hear.

Q. Do you know where your sister is? A. The lawyer told me where she is, but I do not know if it is the truth.

Q. You do not know of your own knowledge? A. Mr. Moss told me he knows where she is; I do not know.

Mr. Goff.—Yes; she was there too; they have got out of New York.

Chairman Lexow.—Both the girl and the mother.

Mr. Goff.—Yes.

Q. Did you know, before you went away, Mrs. Hermann, that the niece had opened a house on her own account? A. I hear say so.

Q. About 20 years of age now, is she not? A. She will be 21 the 20th of April next.

Q. Mrs. Hermann, we will leave that matter for the present; we will have to refer to it in a little while; do you remember the

years when you kept those houses in West Third street? A. Yes, sir.

Q. Can you tell us what years? A. Eighteen hundred and eighty-six, 1887, 1888, 1889, 1890, 1891 and 1892.

Q. From 1886 to 1892, inclusive? A. Yes.

Q. Who was captain in that precinct when you first opened a house, Mrs. Hermann? A. Captain Brogan.

Q. Did you know him personally? A. No, sir.

Q. Did you know his wardman? A. Yes, sir.

Q. What was his wardman's name? A. Reynolds.

Q. Did Reynolds ever visit your place? A. Sometimes he has.

Q. How much did you pay Reynolds? A. I pay \$75 first, and \$100 after; three months after, it was \$100.

Q. You paid \$75 at first, and three months afterward you had to pay \$100? A. Yes.

By Chairman Lexow:

Q. What, a month? A. Yes; they were very small houses; paid \$200 for the two houses.

By Mr. Goff:

Q. You paid \$200 for the two houses? A. Yes, sir.

By Chairman Lexow:

Q. A month? A. Yes.

Q. You mean that you paid \$100 apiece for each house? A. Yes.

Q. Then you had three more houses? A. Yes, sir.

Senator O'Connor.—It is evident they didn't intend to leave her anything.

Chairman Lexow.—That was an income tax, I suppose.

Mr. Goff.—I do not know that the amount of income was ascertained before the tax was put on.

By Mr. Goff:

Q. How did you come to rent the first house that you opened? A. I was a dressmaker, and I worked for ladies who keep a house.

Q. You were a dressmaker, and you worked for ladies who kept houses? A. Yes, sir.



Q. Were you advised to open a house of that kind? A. No; I was not.

Q. You understood that there was plenty of money to be made? A. Yes, sir.

Q. How did you rent the house; from whom did you rent the first house? A. A lady for who I worked — she do not speak well English, do not speak English at all, and she asked me if I will go to the landlord with her to hire a place, and I was there, and she hired a place, 127 West Third street, and then she have the place, and 139 was empty too, and then I take this place six days after.

Q. Who was it that you rented the house from? A. Mr. Seifke, 307 Twenty-sixth street.

Q. Was he the agent or the owner? A. The owner.

Q. Did he know what kind of house you were going to have there? A. I do not know; I suppose so.

Q. What rent did you agree to pay? A. Seventy-five dollars a month.

Q. Was that a good rent for that kind of a house? A. Well, of course for that purpose it is cheap.

Q. But for a residence — for a private residence, was it worth \$75 a month? A. Not \$25.

Q. What house was that that you rented from Mr. Seifke? A. One hundred and thirty-nine West Third street.

Q. Now, the next house that you rented; what was the next house that you rented? A. One hundred and thirty-six.

Q. From whom did you rent that house? A. First off, I rented from Mr. Grasse.

Q. Where is his place? A. Sixty and 62 Division street.

Q. What business is he in? A. I cannot tell you in English; millinery store; he sells any kind of clothing.

Q. Furniture house; installments? A. No; underwears.

Q. Ladies' underwear? A. No.

Q. How much did you pay for that? A. One hundred and ten dollars a month.

Q. What would have been the fair rent for that house for private purposes, for residences? A. It is rented now for \$40 a month.

Q. Rented now for \$40? A. Yes.

Q. And you paid \$110? A. Yes.

Q. What house did you rent next? A. One hundred and thirty-seven West Third street.

Q. And from whom did you rent 137? A. The two houses is one; Mr. Siefke.

Q. That was next door to the first house? A. Yes, sir.

Q. Did you have an entrance made from one house to the other? A. Yes.

Q. Did Mr. Siefke cut through the wall for you? A. It was cut already; it was only one house; and it was fixed for two.

Q. How much did you pay for 137? A. I paid then \$200 for the both houses.

Q. And what would have been a fair rent for private purposes for those houses? A. I think about \$50 a month.

Q. For both? A. Yes, sir.

Q. You paid \$200? A. Yes.

Q. What house did you rent next, Mrs. Hermann? A. One hundred and eleven West Third street.

Q. And from whom did you rent 111? A. I don't know; I rented through an agent, only it was rented for decent business.

Q. It was rented for decent business? A. Yes, sir.

Q. Was that Ricard? A. No; the agent is in Carmine street.

Q. How much did you pay for that house? A. Forty dollars a month.

By Chairman Lexow:

Q. Same kind of house as the other? A. Yes, sir.

Q. You made a distinction in your answer, that you rented this house for decent business? A. Cigar store.

Q. You said that to the owner of the property, that you were renting it for decent business? A. Yes.

Q. Did you say to the owners of the other property that you were renting them for indecent business? A. No, sir; they didn't ask.

Q. They knew it without your making any statement, I suppose? (Not answered.)

By Mr. Goff:

Q. What was the next house that you rented? A. One hundred and thirty-three West Third street.

Q. From whom did you rent that? A. rented that from Joseph Dulon.

Q. What was he, an agent or an owner? A. He was a man that keep one of them houses too.

By Senator Bradley:

Q. Kept what, a house himself? A. Yes, sir.

By Mr. Goff:

Q. Did he own the house? A. No, sir; he only let it himself.

Q. He rented it himself, and then rented it to you? A. Yes, sir.

Q. How much did you pay for that house? A. Two hundred and fifty dollars a month.

Q. What would have been a fair rental for that house? A. I do not know; I paid \$250 for it, for the police protection was in it.

Q. That included police protection? A. Yes, sir.

Q. The rent and police protection was all in one sum? A. Yes, sir.

Q. Before you rented the house from Mr. Dulon did he run the house himself? A. No; he rented all the time.

Q. He rented it out all the time? A. Yes.

Q. How do you know that \$250 a month was to include police protection? A. He told me that he paid the police protection himself, and everything was safe.

Q. And that everything was safe? A. Yes, sir.

Q. For that house? A. Yes.

Q. Did he tell you how much he paid police protection? A. Told me \$50 a month.

Q. Do you know if that is frequently done in renting houses in that neighborhood, that the police protection is included in the rent? A. I do not think; I think it is only the one.

Q. Only the one, so far as you know? A. Yes.

Q. Now, the next house that you rented; you rented another? A. I never kept it; I was the owner; I bought the property.

Q. You owned the other house; what was that number? A. One Hundred and thirty-eight West Third street.

Q. When did you buy 138? A. I bought it of Mr. Friend.

Q. About what year was that, Mrs. Hermann? A. It was the 2d of January, 1891.

Q. How much did you pay for the house, Mrs. Hermann? A. Thirteen thousand one hundred dollars.

Q. And how much? A. No; \$12,500, I think.

Q. How much money did you pay down? A I can not tell the price.

Q. Was there a mortgage on the house? A. Yes.

Q. Was the mortgage outside of the \$12,500? A. No; it was all complete, together.

Q. You don't remember how much cash you paid? A. No, sir; five thousand, I think; I don't remember.

Q. Was that a high price for the house? A. At that time, no;

Q. Do you own the house now, Mrs. Hermann? A. No; I sold it for \$13,100.

Q. Thirteen thousand one hundred, you sold it for? A. Yes.

Q. Now, first we touch upon the question of your paying Reynolds \$200 a month for two houses, while Captain Brogan was captain of that precinct; now, what two houses were those, Mrs. Hermann, that you paid Wardman Reynolds \$200 a month? A. I never paid \$200 to Mr. Reynolds.

Q. We understood you to say that you paid \$200 for two houses. A. The rent of it.

Q. Not police protection? A. No.

Q. If you do not understand me, every word, just tell me so; if you do not understand every word I say. A. If you speak plain, I understand you.

Q. If you will try and raise your voice just a little, so that I can hear you? A. Yes, sir.

Q. I understood you before to say that you paid Wardman Reynolds so much a month? A. Yes, sir.

Q. For two houses; first you paid \$75? A. That was the landlord, I paid it to.

Q. I want to know how much you paid Wardman Reynolds, in addition to your rent, the first time that you paid him anything, after you opened the first house? A. I don't pay it myself; it is a lady friend of mine pays for me.

Q. Did Wardman Reynolds talk with you? A. Three months after I kept the house.

Q. And for the first three months, did you pay anything to the police? A. A lady friend of mine paid for me.

Q. Was she in the house with you? A. She had 137 West Third street.

Q. How much did your lady friend pay for you? A. To open the house \$150, and \$30 a month.

Q. To open the house \$150, and \$30 a month? A. Yes.

Q. Did you give your lady friend the money? A. Yes, sir.

Q. And when you opened the house the police didn't interfere with you? A. No, sir.

Q. Didn't disturb you? A. No, sir.

Q. And you gave your lady friend the \$30 a month? A. Yes, sir.

Q. For the first three months? A. Yes, sir.

Q. After the first three months went by, did you pay directly yourself? A. Yes, sir.

Q. How did you come to pay directly? A. I was meet Mr. Reynolds three or four times, and he do not want to speak to me, and after I had the lady present me to him, and then he come to my house, and I pay him.

Q. This lady, who had been paying for you, she introduced you, or presented you to Mr. Reynolds? A. Yes; and he don't accept my money the first three months.

Q. He didn't accept your money the first three months? A. From me; he accepted from the lady.

Q. After he was introduced to you, what did he say to you about paying money? A. Well, I can't remember.

Q. Do you remember, Mrs. Hermann? A. He told me he come to see me, of course.

Q. He told you he would come to see you? A. Yes, sir.

Q. You understood what that meant; is that it? A. Yes, sir.

Q. And did he come to see you? A. Come to see me every month.

Q. Was it about the first of the month? A. First of the month.

Q. And how much money did you pay him when he came? A. Thirty dollars and \$5 for him.

Q. And what was the \$30 for? A. For the captain.

Q. And five for himself; is that it? A. Yes, sir.

Q. Now, when you opened the next house — the second house — did you pay more money that \$30 a month? A. No; I pay him \$100 to open; he asked \$300, and he let me down.

Q. He asked \$300, and he let you down for \$100? A. No; he told me I could pay the \$200 afterwards.

Q. And you gave him \$100 down? A. Yes, sir; and \$25 a month.

Q. And \$25 a month for the next house? A. Yes.

Q. That is when you opened 136? A. Yes, sir.

Q. You paid \$25 a month for that? A. Yes, sir.

Q. After you paid the first \$100, did you pay the \$200 that you owed him? A. No; I sold the place.

Q. You sold the place before you paid the \$200? A. Yes, sir.

Q. Did he ever demand the \$200 from you? A. No; the party that bought the place paid.

Q. The party that bought the place from you had to pay the \$200? A. Yes, sir.

Q. Was that an understanding? A. Yes, sir.

Q. Did Wardman Reynolds know about that agreement? A. I asked him if I could sell it.

Chairman Lexow.—I made a statement this morning which I want to correct. I have just received a letter from the Daily News, to the effect that the letter which I said before was in that paper never appeared in that paper. I think the paper that Judge Jeroloman handed me was the Mercury, and not the News.

Mr. Goff.—That is true.

Chairman Lexow.—Was that the fact?

Mr. Goff.—Yes.

Chairman Lexow.—I know that Judge Jeroloman came to me and showed me this article, and it was upon that that I handed him the letter.

Mr. Goff.—And not the Daily News?

Chairman Lexow.—And it was not the Daily News.

Mr. Goff.—It is but proper to say here in connection with this matter, Mr. Chairman, that a public letter appeared in this print called the Mercury—I do not know whether it is daily; it used to be Sunday Mercury—in this morning paper called the Mercury, addressed to you, as chairman of this committee.

Chairman Lexow.—It was a copy of the letter that I had received the day before.

Mr. Goff.—You had received a letter?

Chairman Lexow.—I had received the letter the day before, and Judge Jeroloman came the next day, which was Saturday, I believe, if my recollection serves me, and showed this letter to me, which I had only received the night before, printed in the Mercury, and asked me whether I would allow him to have it,

and I said certainly. I wouldn't if the letter hadn't already received that official circulation, apparently from the writer.

Mr. Goff.—The matter was brought to my knowledge by what we might call an official and professional request that this committee should immediately inquire into that matter, and I considered it was not the business of this committee.

Chairman Lexow.—Ought to have applied to a civil court.

Mr. Goff.—It was in relation to a civil court, and it was an individual matter between Judge Jeroloman and the writer of that letter.

Q. You say you asked Wardman Reynolds if you could sell this house, 136, and if the party that bought it would pay him the \$200 that you owed for the opening of it; is that so? A. No; I asked him if this lady can take the house; that he accept her in the precinct, and he told me yes, he know her, and she can come there, and she arranged that with him.

Q. Was there anything said between you and Reynolds at that time about the \$200 that you owed him? A. No, sir; I gave \$20 to him that day.

Q. You gave him \$20? A. Twenty dollars.

Q. Was that in addition to the regular monthly sum that you paid? A. No; I gave that as a present.

Q. That was in addition to the regular monthly sum you paid? A. No.

Senator Bradley.—You gave that besides the money?

The Witness.—Yes; besides.

Mr. Goff.—That was a present to him.

Q. Now, when you got 137, how much had you to pay for opening 137? A. Well, at the time there was a little trouble, and the house was only closed a month, and then I had to pay to open 139 again and 137; I pay \$600.

Q. For 137 and 139; that is you had to close 139; there was a little trouble, you say? A. There was a little trouble in the street, and, of course, two months he don't come for the money monthly; then he told me I must pay to open again.

Q. That you must pay, after being two months closed—that you would have to pay to open again, the same as if you were commencing? A. Yes, sir.

Chairman Lexow.—Initiation fee again.

Mr. Goff.—New initiation fee.

Q. You had to pay for opening 137 and 139? A. Yes, sir.

Q. How much did you have to pay for opening the two houses?  
A. Six hundred dollars.

Q. That is \$300 a house? A. Yes; and \$60 a month.

By Chairman Lexow:

Q. Each? A. No, sir.

Mr. Goff.—No; \$30 for each, as I understand it.

By Mr. Goff:

Q. Did you give him this money in the house, Mrs. Hermann?  
A. Always.

Q. Did you give it to him in bills? A. In bills.

Q. Never gave him a check, did you? A. No, sir.

Q. Had you a bank account? A. No, sir.

Q. Now, when you opened 133, Mrs. Hermann, had you to pay for opening that house? A. No; I paid \$250 a month, and everything was complete.

Q. That included the \$250 rent that you paid? A. Police protection was in it.

Q. In the rent? A. Yes, sir.

Q. So you didn't pay anything for opening, did you? A. No, sir.

Q. It had already been opened? A. Yes, sir.

Q. When you opened 111, how much had you to pay for opening 111? A. I don't pay to open 111.

Q. You didn't pay for 111? A. No, sir; I only gave him once in a while a present.

Q. To whom did you give the present? A. To some of the police, of course.

Q. Had Wardman Reynolds left the precinct at that time, when you opened 111? A. No.

Q. Was he there yet? A. Yes.

Q. Was Captain Brogan there at that time? A. Yes.

Q. But no other policeman had the right to ask you for a present or opening money except the wardman, had he? A. No; had no right to come away for it.

Q. But you knew, Mrs. Hermann, that if you paid any money to any other policeman excepting the wardman, that that wouldn't count? A. Yes; of course.

Q. You knew that paying it to the wardman was the same as paying it to the captain? A. Yes, sir.



Q. Now, if you gave presents to another policeman there, why you did it as a private matter? A. No; to every policeman in the street, of course.

Q. Was the policeman that you made these presents to, after you opened 111, in uniform, or in citizen's clothes? A. Some was in uniform and some in citizen's clothes.

Q. Then you gave presents to more than one? A. Yes.

Q. Did you give those presents regularly, Mrs. Hermann—once a month? A. No; if I see one; if they say I had nothing for them — and of course I give them a present.

Q. How much were you in the habit of giving them? A. I can not remember.

By Chairman Lexow:

Q. A great deal? A. Of course.

By Mr. Goff:

Q. Do you remember the summer, Mrs. Hermann, that you sent money up to Saratoga? A. I don't remember it.

Q. Did you go up to Saratoga yourself? A. No, sir.

Q. Were you ever in Saratoga? A. No, sir.

Q. You say you never was in Saratoga? A. No, sir.

Mr. Goff.—It is a very delightful place; I wish you would visit it at the first opportunity.

The Witness.—I was never there.

Q. Did any policeman ever stand in front of your house, Mrs. Hermann? A. Yes, sir.

Q. And how much were you in the habit of giving the policemen, to move on? A. Two or three times a week \$2.

Q. Each time? A. Yes, sir.

Q. That is to say, Mrs. Hermann, \$2 each time—\$2 two or three times a week? A. Yes, sir.

By Chairman Lexow:

Q. Was that a regularly understood operation? A. No, sir; only to be ready when they stand in front of the door, and pay them.

Q. That was a thing that was expected to be done? A. If you don't give any money the policemen stay before the door.

By Mr. Goff:

Q. It was different policemen that used to stand in front of your house, Mrs. Hermann? A. Well, I only knew one.

Q. What was his name? A. McEntee.

Q. But there were others to whom you paid, whose names you do not remember? A. Yes.

Q. When these policemen stood in front of your house, of course gentlemen would not visit the house while they stood there; that was the understood thing was it not? A. Yes, sir.

Q. And in order to have the policemen take a little exercise around the block, you sent out a two-dollar bill? A. Yes, sir.

Q. Did you generally send it out by your servant, or by one of your girls? A. No, he come to the house to have it.

Q. He went to the house? A. Yes.

By Chairman Lexow:

Q. You mean he left the front of the one house and came to the house that you lived in and got the \$2 there? A. Yes, sir.

By Mr. Goff:

Q. Then you didn't pay anything for 111? A. No.

Q. How was it that you weren't asked to pay for 111? A. I suppose for I had three or four at the same time.

Q. You were a good customer? A. Yes.

Q. Then you bought 138; when you opened 138, did you have to pay for opening it? A. I never kept it myself.

Q. You did not keep that house yourself? A. No, sir.

Q. Who kept it for you, Mrs. Hermann? A. I rented it.

Q. You rented that house? A. Yes, sir.

Q. Do you know if the tenant of that house had to pay for opening? A. I suppose so; everybody paid for it.

Q. Did you ever have any talk with the tenant about paying? A. I only keep it three months, and I sold it.

Q. Did any of policemen in that precinct know that you were about to buy the house, Mrs. Hermann? A. I do not know.

Q. Didn't you talk with some of them about buying the house? A. I don't remember it.

Q. There are some policemen's names that you want to keep secret—are there not—some names you want to keep secret? A. Yes, sir.

Q. But, you know, Mrs. Hermann, that we all know their names; we all know their names; all these gentlemen here of the newspapers, they all know their names, and you can not do them any good by keeping their names secret, because everybody knows their names; we have seen them here in court, and we have heard them, so that it won't do them any good; you understand that, Mrs. Herrmann? A. Yes, sir.

Q. And we might as well have the whole story now, that you have come here, in justice to yourself; you do not want lies to be told of you, do you? A. Well, Mr. Goff, I don't say it; anybody don't hurt me, I don't go against them.

Q. But you wouldn't want people to lie about you, would you? A. No, I never say a lie in my life.

By Senator Bradley:

Q. You wouldn't want other people to lie about you, would you? A. No.

By Mr. Goff:

Q. You wouldn't want them to tell lies about you? A. No.

Q. The best way to prevent people from telling lies about you is for you to tell the whole truth; that is the best way, and the safest way; what captain succeeded Brogan, Mrs. Hermann? A. Captain Ryan.

Q. Who was his wardman? A. Sullivan.

Q. Did Sullivan collect from you the same as the other wardmen? A. No, sir.

Q. Did you ever pay Sullivan any money? A. Not what I remember.

Q. You ran your house in that ward while Sullivan was there? A. Yes, sir.

Q. You paid protection money for your house, all the time, Mrs. Hermann? A. Yes, sir.

Q. And if you do not remember paying Sullivan, you must have paid somebody else; what was the other wardman's name? A. I don't remember.

Q. Well, Mrs. Hermann, you paid protection money anyway, all that time?

Chairman Lexow.—That is a fact, isn't it.

A. (Not answered.)

Q. You paid protection money all that time, the time that Captain Ryan was in the precinct? A. Yes, sir.

Q. Did you ever see Captain Ryan? A. I have never seen him personally.

Q. Some man has said here, Mrs. Hermann, that there was an understanding between himself and yourself that whenever he rang the bell you should look through the shutters at him; is that true? A. I don't remember it.

Q. Don't you remember, Mrs. Hermann, a man coming and ringing the bell almost every evening, and that you used to go to the window and look through the shutters and shake your head at him, and then he would go away; don't you remember that? A. I don't remember it.

Q. Do you remember a policeman there that used to be called "The pretty boy;" do you remember him—good looking fellow? A. Well, I never looked on the people who are good looking.

Q. Now, Mrs. Hermann, you weren't troubled there by the police with regard to any raids, or anything of that kind, while Captain Ryan was captain of the precinct, were you; you weren't arrested, were you? A. Yes; I was arrested once by Captain Ryan.

Q. By himself? A. I don't know; I was hiding myself, and I was not arrested; all the girls were arrested.

Q. Were you taken to the station-house? A. No.

Q. Was there a warrant served upon you? A. I think so.

Q. And do you remember the officer that served the warrant? A. No.

Q. Did you ever see him before? A. I do not know.

Q. Was he in citizen's clothes? A. I can not tell you, Mr. Goff; I was hiding myself, and I didn't see him.

Q. But the paper was served upon you, Mrs. Hermann? A. My sister was taken for the madam that time.

Q. Your sister was taken for the madam? A. Yes, sir.

Q. Wasn't it an understood thing that your sister should be taken for the madam? A. I do not know.

Q. You wouldn't say that it was understood between yourself and one of the officers that you were not to be found, and that your sister was to be found; is that so? A. I don't remember it.

Q. Your sister was discharged, was she not? A. I think she was fined \$25.

Q. And you paid the fine? A. Yes, sir.

Q. Were you ever arrested, Mrs. Hermann? A. Yes, about 10 times, I think.

Q. We will come to that later; what captain succeeded Captain Ryan? A. I don't know the name.

Q. Haughey? A. No; I don't know the name.

Q. Was it the same captain that succeeded Captain Ryan that you complained to about your niece—was that the captain that succeeded Captain Ryan? A. No, sir.

Q. Now, you do not want to tell me his name; that is it, isn't it; I want to deal fairly with you, Mrs. Hermann, and I sent word to you that I would, did I not—you got that message from me, did you not? A. Yes, sir.

Q. And there is one police captain that you want to save from your testimony, isn't that true? A. Yes, sir.

Q. And that police captain treated you pretty well? A. Yes, sir.

Q. He didn't squeeze all the money you had out of you, did he? A. I don't know.

Q. He didn't take all the money, the same as the other fellows did—he was a little better, was he not?

Chairman Lexow.—Apparently he got all he could.

A. (Not answered.)

Q. You say you were arrested about 10 times; were you brought to the station-house every time? A. Yes, sir; no only five or six times.

Q. Each time that you were brought to the station-house, did you give bail? A. Twice not; every other time.

Q. You gave bail every other time but twice? A. (Not answered.)

Q. Who went bail for you? A. Mr. Hebrung.

Q. Each time? A. Only two or three times Blumenthal.

Q. This Blumenthal you had to pay something to for going bail for you, had you not? A. Yes, sir.

Q. How much? A. Five dollars each time.

Q. Did you give that money to Blumenthal himself? A. Yes, sir.

Q. And did you have to pay any money to anyone in the station-house? A. No.

Q. Didn't you pay some money to some one in the station-house every time that Blumenthal went bail for you? A. I gave the money to the sergeant.

Q. How much did you give to the sergeant? A. I only gave him \$5 every time; I was called for that.

Q. You gave the sergeant \$5 every time? A. Mr. Blumenthal gave it to him, or Mr. Hebrung; I never gave it myself.

Q. Either Blumenthal or Hebrung gave it to the sergeant? A. (Not answered.)

Q. Blumenthal was known around that station-house as a man to be on hand all the time to go bail for people, was he not? A. Yes, sir.

Q. So that when women were arrested in that precinct, Blumenthal was generally sent for from the station-house to go bail for them? A. Yes, sir.

Q. This Blumenthal has got out of New York since this investigation commenced, of course? A. (Not answered.)

Chairman Lexow.—Do you know where they are all settling down—founding a new State.

Mr. Goff.—No, sir; I do not. It would be interesting.

Chairman Lexow.—It would be a delightful colony, something like Van Diemen's land.

Mr. Goff.—Species of Eutopia.

Q. By the way, is Mr. Freund here—you know Mr. Freund, don't you? A. Yes, sir.

Q. He is a respectable merchant down in Maiden lane? A. Yes, sir.

Q. Did you ever buy any jewelry from him? A. Yes, sir.

Q. What did you buy from him? A. I can't remember; lots of things.

Q. Now, for instance, did you buy a necklace from him? .. No, sir.

Q. Did you buy earrings? A. Yes, sir.

Q. Did you buy rings? A. Yes, sir.

Q. Finger rings? A. Yes, sir.

Q. For yourself? A. (Not answered.)

By Chairman Lexow:

Q. Did you buy a locket? A. I don't remember; Mr. Freund must remember more than I.

By Mr. Goff:

Q. Do you remember one diamond ring that you bought from him that you wanted to make a present of to somebody? A. I bought two diamond rings at the same time.

Q. You wanted to make a present of one of those diamond rings, did you not? A. I do not remember.

Q. Now, you wanted to make a present of a diamond ring to a policeman, did you not? A. It is so long ago, I don't remember, Mr. Goff.

Q. Did you ever see the ring after you made a present of it, Mrs. Hermann? A. I don't remember.

Q. You don't remember anything at all about that ring? A. (Not answered.)

Q. But you do remember that you did make a present of it? A. I have many presents.

Q. I am speaking of this particular diamond ring? A. I don't remember anything about it, Mr. Goff.

Q. You remember about that gold watch, Mrs. Hermann; you remember the time that you went to Tiffanys? A. I was there once, yes.

Q. You know the men from Tiffany's house have been here, and they have told us all about it, and we have the record here of Tiffanys when you went there to get that watch, and do you remember when you went there to get the letters engraved on the watch? A. I was never there to have letters engraved, Mr. Goff.

Q. You remember about the buying of the watch? A. Yes, sir.

Q. And, of course, it was after you bought the watch that you wanted to have the letters engraved? A. I was never there for this purpose.

Q. You did not go there yourself, but you sent there, Mrs. Hermann? A. I don't remember it.

Q. Now, Mrs. Hermann, you paid \$400 for that watch, did you not? A. No, sir.

Q. How much did you pay? A. Bought the watch for \$200.

Q. So no initials were engraved—what were your initials—the initials that you gave? A. I don't have any initials.

Q. Weren't there initials that you first had put on the watch, and afterward had them removed—taken off the watch? A. No, sir.

Q. Don't you remember that the first initials engraved upon the watch were wrong—the first engraving? A. I do not know anything about it.

Q. Do you know if there was any engraving on the watch? A. At the time I bought the watch, it was not.

**Q.** Did you buy a chain with the watch? **A.** No, sir.

**Q.** Now, here is the record of Mr. Tiffany, you know (producing book), and, of course, they have their books all right, and this book has been put in evidence here, and here is the dates and the records, the number of the watch, the time of day and every particular—the number of the works even—and here is the name given to them to engrave upon the watch—Joseph Cooney? **A.** I don't have that—

**Q.** You remember that name—you remember that is right, isn't it? **A.** I do not know.

**Q.** Isn't it right? **A.** I can't tell you, Mr. Goff.

**Q.** You do not think that Mr. Tiffany would make a wrong entry, do you? **A.** I bought a watch, and I never had the name put on.

**Q.** You didn't go there yourself; I believe you when you say you did not; I believe you, but here is Mr. Tiffany's book, and he says that that watch that you bought was engraved "Joseph Cooney;" there is the number of the watch and the number of the works? **A.** I do not know.

**Q.** And your address taken down? **A.** I tell you I buy the watch for \$200; I give my address 133 West Third.

**Q.** That is just exactly as it is here; that shows you are correct, but how did that watch get the name "Joseph Cooney" on it? **A.** I do not know.

**Q.** Was it on when you bought it? **A.** There was no letters on it when I bought it.

**Q.** Now, you are clear about that; if there were no letters on when you bought it, Mrs. Hermann, how did the name get on afterward? **A.** I can not tell you, Mr. Goff.

**Q.** Don't you remember you bought a locket at the same time—I have got the record of it here, Mrs. Hermann; you bought a locket for \$65, wasn't it? **A.** This I don't remember.

**Q.** Don't you remember that you returned the locket—you did not want the locket, and you got credited with \$65 at Mr. Tiffany's? **A.** I can't remember that.

**Q.** Didn't you buy the watch and the locket together? **A.** No; I bought only the watch together.

**Q.** Then, didn't you go the very next day and buy the locket for yourself, and you didn't like it afterward; do you remember that? **A.** I really do not remember.



Q. The entry is here? A. That can be true; but I do not remember.

Q. Is it true, Mrs. Hermann, and you got credit for that; you returned it because you didn't like the pattern of the locket? A. Oh, yes; I remember that.

Q. You remember going back with the locket? A. Yes, sir.

Q. And do you remember that when you went back with the locket—no, I made a mistake in the amount; it is \$58? A. I don't remember it exactly.

Q. And you remember the name you gave when you bought it? A. I gave Guihenenc.

Q. No. 133 West Third? A. Yes.

Q. You know, Mrs. Hermann, that you didn't pay the whole amount for the watch and the locket at the same time; do you remember that? A. No.

Q. You only paid about \$100 for the two articles when you purchased them, on account? A. I paid the watch altogether.

Q. You paid for the watch altogether; but you didn't pay for the locket? A. About the locket; I don't remember much about it.

Q. You only paid that day—the first day you went to Tiffany's—I just want to refresh your memory; now, you hadn't the whole of the money with you, and you told them that you would go again and pay the balance; do you remember that—you had only \$148 with you? A. I don't remember.

Q. Don't you remember that circumstance? A. No.

Q. Now, then, when you left Tiffany's, don't you remember; when you came out of Tiffany's, at Fifteenth street and Union Square, you went down to the corner of University place; well, when you went down to the corner of University place there was a good looking copper waiting for you; don't you remember that? A. No, sir.

Q. You won't give him away; isn't that it, Mrs. Hermann; you have made up your mind to that, have you? A. (Not answered.)

Q. Do you know that he has told the whole story himself here? A. I do not know.

Q. Cooney has been on the stand and been examined here? A. If he don't say the truth, it is not my fault.

Q. Mrs. Hermann, you read over in the newspaper what he said, did you? A. No, Mr. Goff; I was in jail that time, and I do not read the newspapers.

Q. Didn't you read a newspaper in the jail? A. I can not read in English.

Q. Do you remember talking to Mr. Mitchell about what Cooney said—don't you remember? A. No, sir.

Q. Don't you remember asking Mr. Mitchell if Cooney really said that he kissed you good bye at the Grand Central depot; don't you remember that? A. He never did kiss me good bye in the Grand Central depot; that is not so.

Q. Just a little outside of the depot? A. (Not answered.)

Q. He has been a good friend of yours, has he not? A. I do not remember; it is a very long time; I do not see him.

Q. But it is not so long since you left New York—only a few weeks, Mrs. Hermann? A. Mr. Goff, there is no use; I don't tell you anything about it.

Q. You won't tell me anything about it? A. (Not answered.)

Mr. Goff.—All right, Mrs. Hermann. I think Mrs. Hermann is entitled to a rest, and a recess. I suggest that we take a recess until quarter after 2.

Chairman Lexow.—All witnesses under subpoena for this morning will attend at quarter after 2 o'clock.

Recess until 2:15.

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## AFTERNOON SESSION.

New York, November 2, 1894.

Present.—Senators Clarence Lexow, Edmund O'Connor, George W. Robertson, Cuthbert W. Pound and Daniel Bradley.

Senator O'Connor in the chair.

Mrs. Matilda Hermann, recalled as a witness, testified as follows:

Examination by Mr. Goff:

Q. Mrs. Hermann, do you know any one in this court-room? A. I do not think so.

Q. Just look along here (indicating); along this way; do you know any of these good-looking gentlemen over there; do you know any one? A. I do not see anybody I know.

Q. You do not see anybody you know; very well, now, do you

understand that you are under indictment in this State, and that a bench warrant is out for your arrest; you understand that, do you not? A. Yes, sir.

Q. And you know the offense with which you are charged in this State? A. Yes, sir; but I did not commit nothing wrong.

Q. I only want to get your understanding; you are charged with criminal contempt in going away after a subpoena was served upon you? A. Yes.

Q. Now, do you know, when I use these words in English, do you know what purging yourself of contempt means? A. Yes, sir.

Q. That is wiping out the contempt; do you know that; do you understand me now? A. Yes, sir.

Q. Do you know how you can wipe out the contempt; how you can purge yourself of the contempt of this committee; do you understand that? A. Yes, sir.

Q. How do you think you can wipe that contempt out? A. Well, to come and testify, I suppose.

Q. That is it, by testifying to your own truth, so it is in your hands to purge yourself of that contempt; you understand that, don't you? A. Yes, sir.

Q. Well now, are you afraid of any one or of anything, Mrs. Hermann, in giving your testimony here? A. No, sir.

Q. Well, are you restrained from giving your testimony, thinking that a certain political party would succeed at the next election, and that if that party succeeded, that you would be in danger of being sent to prison? A. I am not afraid of this.

Q. You do not care how the voting goes, do you? A. No.

Q. Well, you have been a little afraid, haven't you, that if a certain political party should win that you would be very much troubled and oppressed? A. It was said to me, but I never was afraid of it.

Q. It was stated, but you are not afraid of it? A. No, sir.

Q. That is right, you have nothing to fear, Mrs. Hermann; it lies in your hands now to purge yourself of that contempt; do you remember, Mrs. Hermann, having to employ lawyers to defend you when you were arrested? A. Yes, sir.

Q. You remember a roundsman by the name of Derrigan, or a wardman by the name of Derrigan? A. Yes, sir.

Q. Well, you gave him money, didn't you? A. Yes, sir.

Q. Just a little louder, if you please; how much did you give Derrigan? A. Only \$50.

Q. Only \$50; you remember when you were raided when Captain Haughey was there, and you have testified that Haughey told you that he raided you for spite? A. Yes, sir.

Q. That was on account of the influence you have told us about? A. Yes, sir.

Q. For spite? A. Yes, sir.

Q. Do you remember having a talk with Officer Zimmerman? A. Yes.

Q. After you were arrested? A. Yes.

Q. Do you remember the talk you had with Zimmerman? A. Yes, sir.

Q. What was it? A. Well, before I was raided or afterward I was raided.

Q. Before you were raided? A. I did not know before I was raided.

Q. After you were raided? A. Yes, sir; I spoke to him.

Q. Just a little louder? A. I have talked with him.

Q. Was it him that arrested you or raided you? A. It was Jim Derrigan, and Officer Sloan and James Derrigan.

Q. Sloan and Derrigan? A. Yes.

Q. Well, after you were arrested, did any one say anything to you about employing a lawyer? A. I was arrested twice by them.

Q. By these men? A. Yes.

Q. Did either of those officers say anything to you about employing a lawyer? A. Yes, sir.

Q. Which of them? A. Every time I was raided the officer told me I should take a lawyer.

Q. The officer that arrested you told you to take a lawyer? A. Yes, sir.

Q. What lawyer? A. Sometimes I had Levy, Friend and Price.

Q. Sometimes you had—who were the lawyers that the officers recommended to you? A. Levy, Friend and Price, McClellan, and he is a judge now.

Q. Steiner? A. Steiner.

Q. Do you remember the first time that you employed Steiner? A. Not exactly; I employed him several times.

Q. Do you remember one time when Officer Zimmerman told you that if you did not take Steiner that he would send you to States prison? A. Yes, sir.

Q. And did you take Steiner? A. Yes, sir.

Q. Did you pay Steiner a fee? A. I only gave him \$25 that time.

Q. What became of the case? A. He told me if I took Mr. Steiner he would not swear against me, he is not sure I am the madam, and he did it and I was discharged.

Q. And the officer did not swear against you? A. No, sir.

Q. Well, did you employ Steiner a second time? A. Yes, sir.

Q. After you were raided again? A. Before this time.

Q. Before that time? A. Yes, sir.

Q. At whose request did you employ him the first time? A. Then I don't remember any more.

Q. You do not remember any more; do you remember how much money you paid to Steiner the first time? A. One hundred and seventy-five dollars.

Q. That was before; that was another occasion; were you tried when you paid him the \$175? A. I was discharged in the Jefferson Market.

Q. You were discharged by the justice at Jefferson Market? A. I can not tell you his name.

Q. At Jefferson Market? A. Yes.

Q. You were discharged that time? A. Yes, the officer swore he did not know me.

Q. By the officer swearing he did not know you? A. If I was the madam.

Q. Now you had been arrested for keeping a disorderly-house seven times? A. I think so.

Q. That is about right? A. Yes.

Q. And were you ever convicted? A. No, sir.

By Senator O'Connor:

Q. Who were the justices you were brought before?

By Mr. Goff:

Q. Do you remember the various justices you appeared before? A. I appeared twice before Justice Martin; I know that.

Q. Twice before Judge Martin? A. And once before Judge Hogan, and the rest I do not remember.

Q. And the rest you don't know; you remember how many times your sister was arrested for keeping a disorderly-house? A. Six or seven times.

Q. And do you know if she was ever convicted? A. She was convicted once, \$25.

Q. It was the time she was arrested you told about before, when it was understood and agreed that she should be arrested in your place? A. Yes, that is the only time she was convicted.

Q. Now, these various times that you were arrested you had lawyers appear for you? A. Yes, sir.

Q. Was there anything said by the lawyers about you fixing the detectives? A. Every time I took a lawyer he charged me \$175, or \$200, or \$300, or \$400, and I told him I can not give you this much money, and he told me I must fix with them for you to be free.

Q. Fix with detectives? A. I don't know who he meant; then before I got before the judge, I knew I would be discharged.

Q. Every time you knew you would be discharged before you went before the judge? A. Yes, sir.

Q. Because you had paid from \$150 to \$400? A. Yes, to \$500.

Q. And you knew every time you were going to be discharged? A. Yes, sir.

Q. Well, do you remember in the year 1890, you were raided twice in three weeks in that year; do you remember that? A. Yes, it was the first time I was raided.

Q. Do you remember what lawyer you employed in each of the two first cases you were raided? A. Lawyer Price.

Q. Do you remember after your discharge, in one of the cases, Mr. Price saying anything to you about the captain feeling sore? A. I was raided, and I was discharged the day before Christmas in my two cases.

Q. In two cases? A. Yes; and Mr. Price told me captain was very sore on me, and that I could open a house no more, and I said, Mr. Price you should go and see the captain for me and he went and saw the captain for me and told me the captain was very sore on me and he wanted \$1,500 to open my house, and I told him that was too much, and then it was fixed for a \$1,000.

Q. Well, about the payment? A. I had \$700 on the 5th of January, 1891.

Q. Yes? A. And I gave this money to Lawyer Price.

Q. Well after; do you remember after you paid the \$700 on the 5th of January, do you remember three days later on the 8th, did you pay any more money of that \$1,000? A. I paid \$300 that day, the 8th of January.

Q. Seven hundred dollars and \$300, that made the \$1,000 you agreed to pay to open it? A. Yes, sir.

Q. What captain was in the precinct at that time? A. Mr. Brogan.

Q. Did you open up your houses then? A. Yes, sir.

Q. And was that the time you paid \$80 a month for the month of February following? A. Yes, sir.

Q. You kept books of account, didn't you? A. Yes, sir.

Q. And what became of those books? A. My books were stolen away from me.

Q. When were they stolen? A. About a year ago.

Q. Were entries in those books of these several payments, and did you put down in writing these payments that you made? A. Yes, sir.

Q. Now, you took a trip to Europe, didn't you, that year? A. Yes, sir.

Q. How long were you gone? A. From the 4th of March; I came back the 17th or 18th of May.

Q. That was in 1890? A. Yes, sir.

Q. Well, who ran the houses for you? A. Eighteen hundred and ninety-one it was.

Q. Who ran the houses for you while you were in Europe? A. My sister.

Q. And did you tell her to pay the money for you every month? A. Yes, sir.

Q. And she paid it? A. Yes, sir.

Q. Was that the time that Sullivan received the money? A. I never paid nothing to Sullivan.

Q. Do you know what wardman received the money in your absence from your sister? A. It was brought to Mr. Price's office.

Q. Where is that office? A. Close to the Tombs.

Q. Opposite to the Tombs in Center street? A. Yes, sir.

Q. Now, had you a reason of getting out to Europe? A. I had a charge made against me, and I was on a \$1,000 bail before Recorder Smyth; a bench warrant was taken out for me.

Q. A bench warrant was out for you? A. Yes; and then I had Lawyer Price and I have Mr. Levy Friend; he advised me I should stay—Mr. Friend—not to go away; and Mr. Price told me if I did stay here I will have a year of imprisonment, and therefore I forfeited my bail; and the captain told me so.

Q. Now, we have it that Mr. Friend, a lawyer that you had then, advised you to stay? A. Yes, sir.

Q. And Mr. Price advised you to go, because if you stayed you would get a year's imprisonment? A. Yes, sir.

Q. Advised you to forfeit your bail? A. Yes, sir.

Q. Did you forfeit your bail?

Senator Bradley.—Mr. Goff, she said the captain told her so.

By Mr. Goff:

Q. Oh, yes; that the captain told her so? A. Yes, sir.

Q. Did you forfeit your bail? A. Yes, sir.

Q. You acted under Price's advise? A. Before I went away I gave the money to my gentleman who went my bail.

Q. A \$1,000? A. Eleven hundred dollars, a \$1,000 for bail and \$100 for expenses of judgment; and the bail was never returned to me; and it is there yet.

Q. And this gentleman that was on your bail at that time; have you any objection to give his name? A. Mr. Gustave Helrung.

Q. That is the gentleman you mentioned before? A. Yes, sir.

Q. And he owns real property does he in New York? A. Yes, sir; he had three matters belonging to me in New York.

Q. And he was on your bail for a \$1,000 on this bench warrant? A. Yes, sir.

Q. And you gave him the \$1,000 and the \$100 for expenses, before you went away? A. Yes, sir.

Q. And you say that though you have returned, that money has never been returned to you? A. No, sir.

Q. How long did you remain in Europe? A. It was the 4th of March, and I came back the 17th or 18th of May.

Q. When you returned then, you were only about three or four months gone?

Senator O'Connor.—No, only about six weeks.

Mr. Goff.—No, she went away in January.

The Witness.—No, about two months; I went away the 4th of March. The 13th of February I forfeited my bail.

Q. Do you know if, while you were away, were you informed by any one that your case was called, and that your bail was forfeited? A. At the same time I was in New York yet.

Q. You were at New York while your bail was forfeited? A. I stayed in New York from the 13th of February to the 4th of March.



Q. And you did not answer your case when the case was called? A. No, sir.

Q. And you were in New York here? A. Yes, sir.

Senator O'Connor.— She says the bail was forfeited on the 13th of February.

Q. Yes, sir; and because your bail was forfeited, there was a bench warrant issued against you? A. Yes, sir.

Q. From the Court of General Sessions? A. Yes, sir.

Q. And it was at that time that Mr. Price advised you to go? Yes, sir.

Q. When you returned you were arrested on that bench warrant, when you returned? A. I returned Sunday; 7 o'clock in the morning; and the next Monday after, it was about eight days, I was arrested.

Q. About eight days after you returned you were arrested on that bench warrant? A. Yes, sir; I was three times to see Louis Price, in a carriage to Lexington avenue or Madison; I do not know the number in Twenty-eighth street.

Q. At his residence? A. Yes; I was there three times; and every time he asked me \$100; the first time he asked me \$100 for the detective not to arrest me; and the next time he asked me \$100 to give to two gentlemen that was put on \$200 bail; for my case, Recorder Smyth put two men on \$100 bail to come and to testify against me.

Q. Two witnesses? A. Yes, sir.

Q. Under \$100 bail to testify against you? A. Yes, sir.

Q. And Lawyer Price asked you for that money to give to them? A. Yes, sir; I gave twice, and \$100 to him; and then in the morning Mr. Price sent me a man, and told me I would be arrested; I was arrested at 3 o'clock in the afternoon before 145 Bleecker street; I was going to see Mr. Helrung, who is a furnishing dealer, and he arrested me before the house.

Q. Did you know you were going to be arrested? A. On the morning, yes, sir.

Q. How did you know? A. The lawyer sent me a man and told me I am going to be arrested to-day.

Q. Who sent you a man? A. Lawyer Price.

Q. Told you you were going to be arrested; were you arrested then? A. I was arrested 3 o'clock in the afternoon, the same day.

Q. Do you remember the officer that arrested you? A. Yes, sir.

Q. What is his name? A. Armstrong.

Q. Did you give Mr. Armstrong any money? A. Yes, sir.

Q. He was a Central office man, wasn't he? A. Yes.

Q. He had a bench warrant for you? A. Yes.

Q. How much money did you give Mr. Armstrong? A. When he arrested me, I offered him \$1,000 to let me go; and he told me he can not do it; and he must see another party before; then he took a carriage and he drive me in some places where I saw a man of headquarters, Mr. —; I don't remember his name.

Q. Do you remember the place? A. We met him in the street.

Q. You met the man in the street? A. A man from headquarters; he was the highest man in headquarters.

Q. Mr. McLaughlin? A. No, sir.

Q. The highest man in the Central office, was that it? A. Yes, sir.

Q. Now you just pay attention to me; when Detective Armstrong arrested you, you got into a carriage? A. The first off we were in a saloon, and had a glass of beer.

Q. In Bleecker street? A. In the corner of Bleecker street, yes, sir; and then I offered him \$1,000 to let me go, and he told me that his partner would tell me all about it; and then we met this gentleman in the street.

Q. He said he would have to see his partner? A. Yes, sir; then he seen the man in the street; I knew him too; I knew this gentleman.

Q. He was one of the Central office men? A. Yes, sir.

Q. He wasn't one of the head men, was he? A. Well, he was a man—I do not know his name.

Q. Well, I mean he was not a high officer; was not a superior officer? A. Well, he was higher than Mr. Armstrong.

Q. Well, what sort of looking man; you will think of his name in a little while, won't you? A. Yes, sir.

Q. You know his name and you do not object to telling it to me? A. No.

Q. Simply that you forget it just now? A. I do not remember it any more.

Q. What sort of looking man was he? A. A man about 48 years of age; stout.

Q. Was he light or dark complexion? A. I can not tell you.

Q. You knew him? A. Yes, sir; I knew him.

Q. And knew him to be a Central office man? A. Yes, sir.

Q. Where did you meet him in the street? A. I can not tell now, exactly; I was in a carriage, and was very excited and do not remember where it was.

Q. Where had you seen him before, so that you knew he was a Central office man? A. I see him the day I was put under \$1,000 in the district attorney's office.

Q. Was that the first time you saw him? A. Yes; he loaned me a handkerchief and came the next night for it; I was crying and he went to my house the same night for it.

Q. Did you make him a little present for loaning you the handkerchief? A. Yes, sir.

Q. How much did you give him? A. Twenty dollars.

Q. So that when you met him in company with Armstrong you knew who he was? A. Yes, sir.

Q. What conversation took place between yourself and Armstrong, and this man? A. Mr. Armstrong was in the carriage, and he spoke to him in the street, and he came and he told me I must go there and he will take care of me.

Q. This man did, or Armstrong? A. No; Armstrong told me he must arrest me, but he will take care of me.

Q. You went with him then where? A. On Second avenue and Eighth street.

Q. Second avenue and Eighth street; what took you to Second avenue and Eighth street? A. I was to a real estate place there.

Q. That was to Gus Newman's place, wasn't it? A. Yes, sir.

Q. What took you to Gus Newman's place? A. I can't remember; I can't recollect.

Q. Do you know why they took you to Newman's real estate office? A. No; I do not really remember.

Mr. Goff.—You remember, Senators, that the name came up very conspicuously during Judge Roesch's exoneration?

Chairman O'Connor.—Yes.

Q. Well, when you went to Gus Newman's, did you go into the office? A. Yes, sir.

Q. What took place there? A. I can not tell you; I do not remember.

Q. You do not remember? A. No.

Q. Did you ever see Newman before? A. Yes, sir; I had dealings with him.

Q. And what dealings had you with Newman before that? A. He sold a house for me.

Q. Well, it was well known that Newman dealt in disorderly-houses? A. Yes, sir.

Q. That was well understood, wasn't it? A. Yes.

Q. And that is why you went to him? A. I can not tell you for what I was there; I don't remember.

Q. I only want to know, you went to him to sell your house for you, because you heard that he made a specialty of this kind of houses? A. I think it was so; yes, sir.

Q. Well, how long did you remain in Newman's? A. About three-quarters of an hour.

Q. And did the two officers remain with you there all the time? A. There was only one with me—Armstrong.

Q. The other did not accompany you in the carriage? A. No, sir.

Q. Did you ask Armstrong to take you to Newman's? A. Mr. Armstrong asked me if I needed to go to some place; and I told him yes, I would like to go there.

Q. You would like to go to Newman's? A. Yes, sir.

Q. This was in the evening? A. Yes.

Q. It was 3 o'clock when you were arrested? A. Yes.

Q. What was talked about while you were in Newman's? A. I think it was talking about selling the house where I was; I can't tell exactly what it was.

Q. Did any money change hands in Newman's while you were there? A. I do not think so; no.

Q. Did you pay out any money while you were in Newman's? A. No, sir.

Q. Had you any money with you at that time? A. I can't remember about that; I don't know.

Q. Well, did Armstrong say anything to you further about the \$1,000 that you offered him to let you off? A. No; he told me he would like the money, but could not accept it.

Q. Did he say why he could not accept it? A. No; it was the first time I seen him, and I don't speak much to him.

Q. After you left Newman's where did you go? A. To my house, 137 and 139 West Third street.

Q. In a carriage? A. Yes.

Q. The carriage waited for you at Newman's? A. No; before the house.

Q. Well, was it the same carriage that took you to Newman's, and from Newman's over to your house? A. Yes.

Q. Well, did the officer stay with you when you went to your house? A. Yes, sir.

Q. How long did you remain in your house? A. I have my supper, and I change my clothes; and I think it was about half-past 8 when we went out of the house.

Q. When you and the officer went out of the house? A. Yes, sir.

Q. The officer had some refreshments in your house too? A. I don't remember.

Q. When you left your house, where did you go? A. To Mulberry street.

Q. To headquarters? A. To headquarters.

Q. And when you went to headquarters, what was done there? A. I sent for my lawyer.

Q. You sent for your lawyer? A. Yes.

Q. What lawyer? A. I don't remember no more which lawyer I had then.

Q. You do not remember which lawyer you sent for? A. No, I don't remember.

Q. Did you see your lawyer anyway, whichever lawyer it was? A. I can not remember that one.

Q. You can not remember? A. No.

Q. Did you spend all night at headquarters? A. Yes, sir.

Q. Were you locked in a cell? A. Yes, sir.

Q. You paid out some money at headquarters? A. No.

Q. Didn't you pay out any money there? A. No.

Q. Were you asked for any money? A. No.

Q. Well, next morning where were you taken to? A. To my house in Third street.

Q. In a carriage? A. No, sir; we walked.

Q. Who walked with you, Armstrong? A. Yes, sir.

Q. What did you go to your house in Third street next morning for? A. To meet Mr. Helrung there to go bail for me.

Q. Did you meet Mr. Helrung? A. Yes, sir.

Q. This was the man that had gone bail for you before? A. Yes, sir.

Q. Did Mr. Helrung go bail for you? A. Recorder Smyth would not accept him.

Q. Did you go down to the court? A. Yes.

Q. To General Sessions, down here to this building, next to this building here, the brown stone building? A. Yes, sir.

Q. Were you brought before the recorder? A. Yes, sir.

Q. And the recorder refused to accept Helrung as bail? A. He refused to accept no bail at all, because I had forfeited the bail.

Q. Because you had broken the bail before? A. Yes, sir.

Q. Were you put in prison then? A. Yes, sir.

Q. In the Tombs? A. Yes, sir.

Q. How long were you kept in the tombs? A. Eleven days.

Q. While you were in the Tombs you paid out some money there for little accommodations, didn't you? A. Well, a little, yes.

Q. How much did you pay? A. I can not remember just the amount.

Q. You were paying out money all the time, weren't you? A. Of course.

Q. Now, Mrs. Hermann, was it not known all around the courts—police courts and prisons—weren't you called the French madam, out of whom any amount of money could be got; did you hear that? A. No.

Q. Weren't you looked upon as a gold mine? A. Well, I don't know it.

Q. Well, upon that point could you give us an idea of how much money you paid out to the police and everything connected with your business for the four or five years you were in that business? A. I can not; I was only in business near seven years, and made lots of money, and now I don't have none; so—

Q. Well, but didn't you at one time before your books were stolen from you, didn't you tell a certain party, whose name I will not mention now—I simply call the circumstance to your recollection—didn't you say that you had paid out to the police and lawyers about the courts over \$25,000? A. More than that I did.

Q. More than that; in fact, it was more than \$30,000? A. I know I make lots of money.

Q. Didn't you mention the figures \$30,000? A. Well, I was making every month for myself, about from \$1,000 to \$1,500 every month.

Q. You were clearing \$1,000 to \$1,500 above expenses? A. Yes, sir.

Q. And that money has been paid out to the police? A. Yes, sir; and the lawyers.

Q. And everything connected with paying for protection to your business and you are poor to-day? A. Yes, sir; to-day I haven't got a dollar to my name.

Mr. Goff.—You haven't got \$100 to your name? I will not ask the question suggested me to this witness, Mr. Chairman—I simply want you to excuse me for not asking it—and that is to ask this witness if she thinks that Mr. Tabor lied in his estimate. I do not want to ask it.

The Chairman (O'Connor).—No, we can all have our own judgment on that. The estimate of Mr. Tabor was more.

Q. Well, Mrs. Hermann, I will follow you down to the time that you were in prison; now, when you were in prison you had to pay the keepers and everybody there, didn't you? A. I can not swear to it, and do not remember; I know I paid some money, but I don't remember.

Q. You paid out to whoever asked you for it in the Tombs prison, isn't that so? A. I think I gave something to the lady that was there; I can not swear to it; it was so little amount.

Q. I am not talking about the matron there, but I am talking about the keepers.

Senator O'Connor.—Anything less than \$500 would not make an impression on her mind.

Mr. Goff.—No; this woman was simply fleeced and paying out all the time.

Q. Now, how many times were you brought down to the court? A. Three times, I think.

Q. Well, what took place the first time you were brought down to the court? A. The first time he did not accept my bail; the second time—well, I did not know; the lawyer is there and he can tell you better than I.

Q. The second time you were brought back again after being kept in the court below, weren't you? A. Yes, sir.

Q. Your trial did not come off the second time? A. I think the second time I pleaded not guilty.

Q. You pleaded not guilty the second time? A. Yes, sir.

Q. That is to the indictment charging you with keeping a disorderly-house? A. Yes, sir.

Q. What lawyer had you? A. Mr. Price and Levy Friend.

Q. Levy and Friend, or Levy Friend, which? A. Mr. Friend.

Q. Mr. Price and Mr. Friend; you pleaded guilty? A. Afterward, yes.

Q. You pleaded not guilty the second time? A. Yes.

Q. After you pleaded guilty were you brought back to the prison? A. Yes, sir.

Q. And were you taken down to the prison a few days afterward? A. Well, everthing takes 11 days.

Q. Altogether 11 days? A. Yes.

Q. The last day you were taken down to court, what occurred the last day? A. The day before that I plead not guilty, the officer make me remove all my furniture in the house, and I had everything moved from the house, and then on this account I was discharged in that case.

Q. Let us see about that; what officer caused you, or told you to, remove the furniture of your house? A. I don't know; it was my lawyer told me—I don't know.

Q. Your lawyer told you? A. That the furniture was all taken away and the wardman swore the house was empty.

Q. Before you came to that, your lawyer told you to take the furniture out of the house? A. Yes, sir.

Q. And did he tell you what for; why you should do that? A. I was leaving that to my lawyer.

Q. How did you get the furniture out of your house; you were in prison; how did the furniture get taken away? A. Well, I don't know.

Q. Who did you tell to take the furniture out; or whom did you send word to? A. I did not send word; my sister was in the house and Mr. Helrung took it in storage and I paid \$80 for it.

Q. The furniture was taken out of your house and put on storage? A. Yes, sir.

Q. On which you paid \$80? A. Eighty dollars.

Q. After the furniture was taken out of your house you were brought down to court for the last time? A. Yes, sir.

Q. What took place then? A. Well, all the officers were there, and then Lawyer Price came to me and told me if you are fined \$100 in the disorderly-house case, will you give me \$500; and I told him yes, about five minutes before I went before the recorder. !

By Senator O'Connor:

Q. The lawyer told you that if you agreed to pay \$100, in other words, if he would get you discharged with \$100 fine, you would pay him \$500? A. Five hundred dollars.



By Mr. Goff:

Q. That was a few minutes before you were taken before the recorder? A. About five or six minutes; yes.

Q. And you told him you would pay it to him? A. I told him I would pay it.

Q. Did you pay it? A. He asked me for \$100 for Armstrong; and \$100, being bail, and \$300, and I asked Armstrong if he had the money, and he told me no; and he said he did not have the \$100; and I told Mr. Price here is \$200; you asked me for \$300 and that makes it square.

Q. Now, let us see; first he asked you for \$100 for Detective Armstrong? A. Yes, sir.

Q. And \$100 for each of the two bondsmen? A. Yes.

Q. That made \$300? A. Yes.

Q. And then \$200 outside of that? A. Two hundred dollars I gave him after I was discharged.

Q. Two hundred dollars you gave him after you were discharged; but that the \$100 for Armstrong, and the \$100 each for the bondsmen included in the \$500 you had in court? A. No.

Q. That was outside? A. Yes; after I was out of prison I found out he didn't have this \$300, and then I handed him \$200, and I said that makes \$500

Q. You found out he did not give up the \$300? A. Yes, sir.

Q. Let us go back to court; were you in the prisoners' pen in court, in the box? A. Yes, sir.

Q. Was it in the prisoners' box that you were told that if you paid \$500 you could get off from the recorder's sentence for \$100 fine? A. He told me that if I be satisfied to give him \$500 to him if I was fined \$100.

By Senator O'Connor:

Q. If she was satisfied to pay \$500 on a plea of guilty, and she would be fined \$100; what judge was this before, Recorder Smyth? A. Yes, sir.

Q. On this same charge you forfeited bail on? A. Yes, sir.

By Mr. Goff:

Q. You told him you would give him \$500? A. Yes, sir.

Q. Did you give him \$500 then in court? A. No; I had \$200

two days afterward in my house; a man from the office came for it and he wanted \$500; I told him no; I found out Mr. Price did not have those \$300, and here is \$200, and \$300 he did not give up, that is \$500.

Q. Did you give him the \$300 he didn't give up in court? A. No; I gave him \$200 at his house, and \$100 before; and he called me outside, and he came in a carriage, and I handed it to him there.

Q. That was before you were brought up for sentence? A. Before I was arrested.

Q. Three hundred dollars; \$100 for Mr. Armstrong, and \$200 for the bondsmen? A. Yes, sir.

Q. After Mr. Price said to you that he could get you off, or would you be satisfied to get off with a hundred dollars fine, if you paid him \$500, were you brought out of the prisoners' pen? A. Yes.

Q. And were you brought out to the bar of the court? A. Yes, sir.

Q. And you were brought before the recorder that was on the bench? A. Yes, sir.

Q. Do you remember now what plea you put in; you had pleaded not guilty? A. Yes, sir.

Q. Do you remember what was done? A. Mr. Levy Friend wanted to speak to the recorder, and the recorder said, "'sh, 'sh," and the recorder spoke and he told—I don't remember what he said, and he fined \$100, but it was paid right away.

Q. Don't you remember withdrawing your plea of not guilty, or one of your lawyers doing it for you and pleading guilty? A. No; I never had to.

Q. Was there anything said at that time, do you remember, about your having given up the house and the furniture having been taken out of the house? A. I don't know; that was all done outside of me; I was in the jail and didn't know anything about it.

Q. Wasn't some one authorized to state that you had given up the house, and that the furniture had all been removed from the house? A. Yes, sir.

Senator Bradley.—She said so before, that the officer swore the house was empty.

By Mr. Goff:

Q. Was it at that time he swore, the time you were brought before the recorder? A. Yes, sir.

Q. Of course, the furniture was only removed from the house to enable the officer to swear it was so? A. I don't know in which intention it was.

Q. You know it was for the purpose of the trial? A. Yes, sir.

Q. And you paid your \$100 then did you—your fine? A. Yes, sir.

Q. And you were discharged? A. Yes, sir.

Q. Well, after you were discharged, did you go back to your house? A. It was Friday 12 o'clock I was discharged, and Saturday morning my house was open at 8 o'clock.

Q. You were discharged on Friday at what hour? A. About 1 o'clock.

Q. About 1 o'clock Friday you were discharged in the Court of General Sessions, and you opened up business in your house on Saturday morning at 8 o'clock? A. Yes, sir.

Q. That is, you got the furniture back into your house on Friday night? A. No; 7 o'clock Saturday morning.

Q. And you paid \$80 storage for keeping it there a little while? A. Yes, and taking it out.

Q. Simply for putting it in and taking it out? A. Yes, sir.

Q. The officer that testified about the furniture having been removed; did you hear him testify to that? A. No.

Q. But I find on the record of the papers here, that it was Officer Cooney that testified that the furniture of your house had been removed? A. I did not see nobody testifying.

Q. You have told us that the officer— A. I think it was Sullivan swore to it.

Q. No; Cooney's name is on the papers? A. Well, I don't know it.

Q. Cooney was in the precinct at that time? A. I don't know it; it can be.

Q. Yes, it may be; did he know you were arrested? A. I think so.

Q. Well now, the truth of the matter is that at that time Cooney was very friendly to you; he was very friendly? A. I don't know it.

Q. He tried to serve you; he tried to do you some service? A. Well, it was right, because I was not guilty in the case any way.

Q. You were not guilty? A. No, sir, in keeping a house.

Q. That is what he said.

Senator O'Connor.—Was the charge anything about keeping a disorderly-house?

Mr. Goff.—That was the indictment.

The Witness.—The charge was for assault and keeping a disorderly-house, and I never assaulted nobody, and never see anybody assaulted.

Q. You were never tried for the assault? A. I did not see the man; a man accused me of assaulting him, and I never saw the man.

Q. You didn't know him? A. No, sir.

Q. Do you remember his name? A. The man who robbed in the house; he robbed a girl of \$45 and all her clothes.

Q. And all her clothes? A. Yes; and then a police officer arrested this man in the Ninth precinct, and then he was in the Jefferson Market, and I had Mr. Friend appearing for it.

Q. For the man or for the girl? A. For the girl; I told him, of course, it was right, and then the men had the clothes in Jefferson Market and had the money, and he was put under bail, and before Recorder Smyth told I was the lady kept the house, and I was strike him, and my husband licked him and it wasn't a word of truth.

Q. You were not fined for that; you were not fined for assaulting him? A. Yes, sir; I was fined \$100 for this.

Q. And not for keeping a disorderly-house? A. No.

Q. And it was not for keeping a disorderly-house then? A. I never was found guilty for keeping a disorderly-house.

Q. But you were found guilty on your plea; you pleaded guilty; you were told to do it by your lawyer? A. Not of keeping a house.

Q. To the assault? A. Yes; to the assault.

Q. You say there was not a word of truth in it, and on the advice of your lawyer you pleaded guilty? A. Yes.

Q. And for that you were fined \$100? A. Yes, sir.

Q. Wasn't there something came up at that time; wasn't there something came up about the kind of house you kept? A. Yes; the gentleman swore I was the madame.

Q. That you were the madame? A. Yes; and he knew me to be the madame, and this one, the recorder, signed a bench warrant for me.

Q. Signed a bench warrant for you? A. Yes, sir.

Q. Didn't you promise in the General Sessions, when you were fined \$100, didn't you promise that you would not keep a house of that kind any more? A. Yes, sir.

Q. Well, didn't your lawyer tell you what to say when you were asked that question? A. No.

Q. You knew you were going to be asked that question; that you would not keep a house of that kind any more? A. The recorder do not ask me never.

Q. Who asked you? A. Nobody.

Q. Who did you tell you would not keep the house any more? A. Not the recorder; my lawyer told me that if he should ask me this, I would say I would not keep a house any more; nobody asked me that.

Q. How much did you give the matron at the Mercer Street station-house? A. Once I was arrested, and a policeman did lick me.

Q. Who was that policeman that licked you, was it O'Hara? A. Yes, sir.

Q. Let us hear about that; when he arrested you where were you? A. I never seen the policeman before; I only spoke with him, only my servant girl came to me and told me that the policeman wanted to arrest her; I told her you must do something to be arrested; she said madame, I am afraid to go in the street, for he will arrest me, and then — I have any kind of liquor in my house and beer — I had seen the policeman go in the saloon on the corner of Third street and Sixth avenue, and I took a big pitcher and I never used to go for beer, and had plenty of beer — to speak to the policeman; the policeman was with five or six people drinking in a little place in the liquor-beer saloon, and I called him outside like this (indicating with her finger), and he told me what I want; then he came to me and got outside and came to me and said: "What do you want?" I said, "I watch you," and he was awful mad, and he called me every kind of name; I said I do not want it. "Here is a detective if you want to speak to him; you can speak to him." I said "no; I only want to speak to you," and then he said: "He is a detective, speak to him." I asked him what is the matter with you, you don't understand me, and he commenced to be sassy, and called me evil names, and I was ashamed and I crossed over the street to go to my house, and the policeman followed me, and he took the pitcher out of my hands and threw the

beer over me, and commenced to lick me, and called me a "French bitch," and from that commenced to lick me.

Q. With his fists? A. No; with his club.

Q. Right in the street? A. To go in the basement of my house.

Q. In the area-way? A. Yes; then I was awful ashamed, and lots of people outside, and he licked me, and I begged him to let me alone, and then he said, "You will suffer for that; you doing something against my friends," and he said, "here, here," and he told me he would lick me more, and then he took me to the station-house, and I had a wrapper on, and I was all wet, and when I got to the station-house, I felt my hair, and found my diamond earrings were out.

Q. Your diamond earrings were gone? A. Yes, sir, then the matron was there, and I told my earrings is lost, and I said the policeman licked me awful bad, and she said, who do you want, and I send for somebody there, and I said —

Q. The matron asked you how much you wanted to give, and she will send somebody there? A. Yes, sir; then about 10 minutes after —

Q. You said you would give her \$15? A. Yes, then 15 minutes afterwards she came back and told me the man did not find the earrings; if I wanted to pay a little more, she send two men for it, and sometime find it.

Q. Did you give her the \$15 the first time? A. No, I told her if she bring the earrings I have the money; about half an hour after this she brought me the earrings in a piece of paper, and I gave her \$30; it was found in the place where the policeman licked me.

Q. It was found in the areaway where he licked you? A. Yes.

Q. Do you know who the men were that brought the earrings? A. I did not see the men; I only knew the matron.

Q. Would you know the matron? A. I think I could sir, I am not sure.

Q. Is the matron here? (A woman stands up.) Do you recognize that woman? A. I think I seen her.

Q. You think that is the woman to whom you paid the \$30? A. I can not swear to it.

Q. (To matron.) You are the matron of that station-house are you not? A. Yes, sir, I am one of the matrons; I am Matron Price.

Q. Are there two there? A. Yes, sir, there are two.

Q. What is the other matron's name? A. The present Matron Hamma.

Mrs. Hermann.—I know it is two matrons, and it is the thinnest one of the two.

The Matron.—And there was another matron since I came there named O'Hara, and she was short and stout.

Q. Can you tell us about the day, Mrs. Hermann, that that occurred? A. Then, after I came to the station-house, I met the policeman that was very drunk.

Q. You met the Policeman O'Hara? A. Yes, sir, and he arrested me, and was very drunk then; he said to the sergeant—the sergeant asked him what complaint he had against me, and he told the sergeant I was drunk; the sergeant said, she don't look she is drunk; I can't put that in my book; well, he says, she insulted me.

Q. When the sergeant would not take the complaint of being drunk, he said, "you insulted me?" A. Yes, sir; then the detective that was there in the saloon, he was doing this to the sergeant (nodding her head.)

Q. A detective? A. Yes, sir.

Q. Who was that detective; do you know? A. I know him well, but don't know his name.

Q. Was he a ward detective? A. He was dressed up in citizen's clothes — McColt, I think.

Q. Did he belong to that station-house — that precinct? A. Yes, sir.

Q. The detective you say was nodding to the sergeant? A. What do you say?

Q. The detective you say was nodding his head to the sergeant? A. He was doing like this (nodding her head in the affirmative), that I insulted a policeman.

Q. What was done to you then when that charge of that terrible offense was made against you? A. I was put on bail in the station-house.

Q. Weren't you put down in the cell? A. No, up stairs.

Q. You were put up stairs? A. Yes, sir; and it is there I gave \$30.

Q. Upstairs you gave the \$30? A. Yes, sir; now I take a carriage and go home, but I was ashamed to go in the street like I was, and was all wet; then I was out about 9 o'clock in the night, and after 9 o'clock I was lying in my bed, it was three or four days; I could not walk, he licked me; and I had a doctor;

I was all the time sick, and I had a big operation, and you can think it had a good deal to do with it.

Q. And you have suffered ever since? A. Yes, sir; I had my side here, was all black, and my side here and my stomach is sore, and then I saw my friend, Mr. Helrung, and he said if I knew that was an old friend of yours I would not have arrested her.

Q. That is, O'Hara said? A. Yes, sir; and he had the man in the saloon, the saloon-keeper, and the man gave out if you did swear he was in my saloon, I will swear it was not so.

Q. The man told you that? A. Yes; the saloon-keeper.

Q. That is, he said that if you swore the officer was in his saloon he would have sworn it was not so? A. That it was not so; yes, sir.

Q. What is that eminent citizen's name — the saloon-keeper's name? A. Well, he is on the corner of Third street and Sixth avenue.

Q. Which corner? A. There is only one saloon there; he was a policeman before.

Q. He had been a policeman? A. Yes, sir.

Q. Oh, well! Well! I see you were arrested another time, while you were sick, in bed were you not? A. Yes, sir.

Q. You were undressed and had retired and was sick in bed? A. Yes, sir.

Q. And did the officer go right up to your bed? A. The 20th of January, 1892, officer came to my private house and asked for me; I was sick; I asked him, "What do you want;" "I have a warrant for you;" I said, "What;" it was about 4 o'clock in the afternoon; I said, "What, you have a warrant for me;" he said, "Yes; you had in 163 and there are three girls there, and those three girls told you are the madame;" I told him that it is not so; I am not the madame of his house, and the house is closed and I can prove it to you, for I haven't the key and I was not out for two weeks; I am very sick; he told me, oh, it is so; the two officers was breaking in that house; the gas was off; the 2d of December, the house was already closed, the gas was cut off and that water was cut off and kept so, because the house do not belong to me; and then I sent to Mr. Helrung's place and he come there and told him this is very wrong what you are doing for this woman, is not out; she has not anything in the house and you come here and arrest her; he says, "Yes, we



arrested three women and they are in the station-house, and they say she is the madame;" of course, I am in a very bad position, and was very sick and I had a tumor and could not wear any clothes then; I put on a wrapper and go to 136 West Third street.

Q. Did you walk? A. Yes, sir; they took me in; I was not dressed and was very sick; I felt sorry.

Q. Well, the remembrance of that night, Mrs. Hermann, makes you sick, doesn't it? A. Yes; they took me to the station-house and Captain Hogan was there and I told him, "Captain, I would like to speak to you;" he said, "What is there against her, being arrested again, this woman;" the officer said, yes, and he said, lock her up; then I was taken out on bail, and, of course, I was too sick, and I went to Jefferson Market and went on bail for \$500, and I took Mr. Hummel to see the officer that arrested me, and I told them I want you to go for these men; I told him every lawyer I had before was in with the police; then I told him, I take you and I want you to go for those people that arrested me, when I am not in the place; then I was put in \$500 bail and my case was tried long after; that was the 21st of January, and the 9th of February I had a big operation where I had six doctors, and where I was in a very bad condition, and those officers swore I was the madame; I called them in and there did sell me for a dollar, and I am 37 years old, and I never sell me for one dollar — not for a hundred dollars; and a bootblack swore I was upstairs for one dollar.

Q. And even the bootblack was brought in to swear against you? A. Yes; everything was false, and everybody else knows I was innocent, and no one was in the house, and nothing was done.

Q. And even the bootblack, the boy, he swore that you sold yourself for a dollar too? A. For a dollar, yes, sir.

Q. To him? A. Yes.

Q. And were all those witnesses that were brought to swear against you, witnesses brought there by the police? A. Zimmerman is the policeman.

Q. Did he swear? A. Yes, sir; he swore that he stayed with me for a dollar; never a man of New York or a Frenchman can say they stayed with me for a dollar; never yet I do it.

Q. Well, now, do you remember that some of the court offi-

cers of Jefferson Market court—you had been brought there so frequently they knew you, didn't they? A. Yes, sir.

Q. Some of the court officers there; did the court officers ever ask you for any money? A. It was all the time to fix with the lawyers, and that is all.

Q. It was all the time fixed through the lawyers? A. Yes, sir.

Q. Did any of the court officers ever call to your house and ask you for money? A. Once.

Q. Wasn't that the sergeant? A. Sergeant Foody of the Jefferson Market court squad.

Q. What did he say to you? A. He told to me Peterman sent him.

Q. That is the ward man? A. That is the ward man: I was arrested and Peterman asked me a hundred dollars to have me discharged; then I told him I don't want the hundred dollars, and I was not guilty, and objected to paying the hundred dollars then Mr. Helrung offered him fifty dollars.

Q. Helrung offered him fifty dollars? A. Yes, and he did not accept it; then he wanted I should take Mr. McClellan for a lawyer and I told him I don't want him; he took one time \$160 from me, and I don't want him any more; then Sergeant Foody was in the house; I should take that lawyer McClellan.

Q. Sergeant Foody went to your house? A. Yes.

Q. And said you should take that lawyer? A. Yes, sir; then I told him I had better take six years in prison, but I don't want that lawyer.

Q. You had rather go six years to prison? A. Yes; then he come the next time with another gentleman with him.

Q. A gentleman with him? A. Yes, sir; a long gentleman, and I did not go to the door; I sent a gentleman that was in my house and sent him there, and told him I was not in; and he was there twice, and twice I did not receive him, and the gentleman told him I was not in, and he told him to come in 8 o'clock at night; I would be in; at 8 o'clock at night he met Mr. Helrung, and that gentleman and Sergeant Foody, and they were drinking a small bottle of wine in the saloon, and he ask \$150, and I will be discharged; then Mr. Helrung said he hadn't anything to do with this; he has lots of business; then he say, I send her to you to-morrow, and I was in Jefferson Market with Sergeant Foody the next day, and I told him I did not want to give him a cent; I wasn't in the place, and I don't want a lawyer and I go myself.

Q. Did you give him any money? A. No; not a cent.

Q. Did you ever give any of the court officers at Jefferson Market any money? A. Not me; they do not trust me; I gave through the lawyers.

Q. Did the lawyers ever ask you for any money to give to the officers at Jefferson Market Police Court? A. The lawyers told me if I have \$200, it was \$50 for him; if I give \$100, he told me the \$50 for him and the rest was to go up

Q. Were you told by the lawyers that that must go up? A. From the smallest lawyer to the biggest lawyer; every lawyer was the same.

Q. And every lawyer whose name you have mentioned told you that they had to give up to the police, part of their fees they got from you? A. Every one of them.

Q. Now, Mrs. Hermann, why didn't you give the money to Sergeant Foody? A. Because I was not in the place, and it is two years; the eighth of December is two years I am out of business, and Good Friday, this year, there was taken a warrant out for the house 111 West Third street; on the 22d of April, Peterman and another detective came to my house and asked for Mr. Helrung, and it was Sunday, at about half-past eight, in the night; I asked Mr. Helrung if he wanted to see the gentleman; well, Mr. Helrung said, "let him come in;" he come in and I was coming back to the gentleman, and I told the gentlemen they should come in the dining-room and speak to Mr. Helrung; he said, "hey; I think it is you I want."

Q. Peterman said that? A. Yes, sir; he said I have a warrant for you; "are you the sister of the woman that kept the cigar store;" I told him yes, and he said: "Hold on I have a warrant for you;" Mr. Helrung said she don't feel good; don't take her, too; how is it you can take a woman out Sunday from the house; then Mr. Helrung looked at the warrant and the warrant was for a small blonde woman; they make a mistake; the woman has moved out from here; and he said never mind you must go to the station-house; and I said; we fix all this thing; and he said you go to Gus Blumenthal and he will take you out on bail; and I seen him then before I came here; I knew Blumenthal better than he knew him, but I didn't tell him; then Mr. Helrung did go for Blumenthal and I was taken to the station-house; and Mr. Helrung said to the station-house; don't lock this woman up, put her in a little room for Blumenthal to come and take her out right away on bail; and I was

with this woman down stairs, and five minutes after Blumenthal came and took me out on bail.

Q. At that time Peterman knew you? A. I never saw the man before.

Q. He had a warrant for a small blonde woman? A. Yes, sir.

Q. And he took you? A. Yes, sir.

Q. And said it would be all right, that Blumenthal would get you out on bail? A. On bail; and if I sent him \$100 I would be discharged and I rose before the judge; two witnesses swore they do not know me, and didn't see me, and I was held anyway in \$500 bail for the Special Sessions; and I went to see Captain Eakins about it.

Q. The present captain? A. Yes; and I told him: "Captain, I am not in this place; I am arrested and this is not right;" he said: "If you were never arrested before I would be out free;" I said yes, but it cost me already \$30 bail; I don't make any money now and it is very bad to be treated like this.

Q. Well, the captain told you if you had never been arrested before you would be discharged? A. Yes.

Q. That is all that the captain had to do with you? A. Yes.

Q. He wasn't in command of the precinct then? A. No, from what he said to me.

Q. And you have frequently seen Peterman at your sister's house haven't you? A. I have seen him about seven or eight times.

Q. Didn't you see him at your sister's house as late as last August? A. I seen him go in the day he was put in as policeman, and stay there half an hour.

Q. That was last August? A. Yes.

Q. August of this year? A. Yes, sir.

Q. Well, your sister was keeping the house at that time as a disorderly-house? A. Yes, sir.

Q. You remember when it was reported that Dr. Parkhurst was making a trip to the precinct? A. Yes, sir.

Q. Did you ever see the reverend doctor? A. Yes, sir.

Q. Who pointed him out to you? A. Well, I seen him; I spoke to him.

Q. Well, before you ever saw the doctor, did any one describe him to you? A. The second day, the man of headquarters arrested madames, and come to me if a man so and so comes in, you look out for Dr. Parkhurst.

Q. Who said that? A. Detective Sullivan.

Q. Did he describe the doctor's appearance to you? A. Yes.

Q. So that if the doctor went into your house, you should look out for him, is that it? A. Yes, sir.

Q. Do you know if the wardman went around to other houses or to madames and described the doctor to them? A. I think so; I don't know.

Q. You think so; did you hear about it? A. Yes.

Q. Well, wasn't it a matter of common knowledge there that the detective—the wardman—went around to all the houses to warn them against Dr. Parkhurst? A. Yes, sir.

Q. Well, now, don't you know that all the madames in that precinct paid for protection to the police? A. Every one of them that I can swear to.

Q. Yes, every one of them, in that precinct; you paid protection to the police for every day you ever had a house in that precinct? A. Yes, sir.

Q. Under every captain that was in that precinct while you were there? A. I don't know.

Q. Now, we will say there were four captains while you were there, were there not; while you were there, there were four captains in that precinct? A. There was five since I knew it.

Q. Well, Brogan was the first; was he not? A. Yes, sir.

Q. Who followed Brogan? A. You know that just as well as I, Mr. Goff.

Q. You say I know it just as well as you? A. Yes, sir.

Q. I would rather hear you tell it, Mrs. Hermann; you know I am not allowed to tell everything I know; why, you know the public records have it, Mrs. Hermann; you have nothing to do with that. (No answer.)

Senator O'Connor.—You are under no moral or any other obligation to screen these people here. You are to-day practically a pauper, and you have had their constant raids on you. I do not see why you should have any hesitation in giving them right up to justice. They never supported you. They have hunted you from pillar to post, and got every dollar you have ever made out of you; and why you should screen them is a mystery to me. I should think you would like to see every one in State's prison where they ought to be.

Q. What was the largest sum of money you ever paid in any one month for police protection, or for any one purpose? A.

When I opened a house I paid so much — well, I can not tell, large money; it was in the month of — well, to say the truth I don't remember.

Q Did you ever pay as high as \$2,000 to any one police official? A. I can not tell you this.

Q. You know that I know it, isn't that it, Mrs. Hermann? A. I don't know.

Q. Well, you won't swear you did not pay \$2,000 to a certain police official, will you? A. No.

Q. You won't deny under oath — and Mrs. Hermann you recognize an oath — you have a religious belief have you not? A. A little anyway.

Q. It is not all gone? A. No, sir.

Q. And you believe that there is a Supreme Being, that is, that there is a God above, don't you? A. Yes, sir.

Q. And you believe that the oath that you have taken binds your conscience, even though you have kept those houses? A. Mr. Goff, I swear it I know nothing about this, and don't do it.

Q. I understand you very well; I simply want to get on the record here the fact that you recognize the obligations of your oath, do you not; will you answer my question, please; you recognize, that is, you believe in the oath, don't you, that it is binding upon you? A. Yes, sir.

Q. That is what I want to get down for your own sake; now, Mrs. Hermann, you have told us that you know that by testifying here you can purge yourself of contempt; well, if you do not testify to the whole truth — that is your oath — you swear to the truth, and nothing but the truth, and the whole truth? A. Everything I say, Mr. Goff, is the truth, and all the truth, only I don't say what you want I should say.

Q. Now, isn't this the fact that you have got a feeling of friendship for this particular police official whose name you will not mention; I simply want to get your reasons? A. If there is some gentlemen in the police, you must save him; there is no reason to go against him.

Q. And he was one of the captains in that precinct? A. I don't know it.

Q. Now there is another man, another policeman; there is another policeman here who is not a high official, that is Cooney; now you knew Cooney, didn't you? A. I seen him before.

Q. You saw him; now when there was a rumor, when there

was a report that you were subpoenaed or about to be subpoenaed to come before the Lexow committee, didn't Derrigan call upon you? A. Yes, sir.

Q. He called upon you, didn't he? A. Yes, sir.

Q. What did he say to you? A. Mr. Helrung's leg was broken, you go and see Mr. Helrung; and he asked me if I was subpoenaed; I told him no.

Q. Well, what did he say if you were subpoenaed; what did he say you were to do? A. He did not speak about it.

Q. He did not speak any more? A. He was speaking about something, and I told me he treat me wrong.

Q. That he had treated you wrong? A. And he took money of my sister to treat me badly, and every time he was drunk he went over and sleeping there; and he told me yes, before me and Mr. Helrung.

Q. Derrigan said that? A. Yes.

Q. And every time he was drunk he went to your sister and slept there? A. Yes, sir.

Q. And when he called the second time didn't he speak about the Lexow committee? A. I did not see him the second time in the house; I was meeting him Sunday, 11 o'clock in the morning; I was buying a paper and he asked me if I was subpoenaed; I told him yes, and he told me I must go to the court; and I was home.

Q. Did he say you were to go to the court? A. He told me he must go to the court Sunday morning.

Q. That he was to go to court on Sunday morning? A. Yes, sir.

Q. Did he say anything to you about what you should say Lexow committee? A. No; I asked him if he had a subpoena, and he told me yes.

Q. Did he say anything to you about what you should say before the Lexow committee? A. Not one word.

Q. Carey did — Officer Carey? A. I don't know it.

Q. Didn't Carey see you? A. I don't know about it.

Q. Don't you remember Carey called at your house and talked to you about the Lexow committee? A. No; he was not in my house talking about the Lexow committee.

Q. Didn't he meet you and talk about the Lexow committee? A. I don't remember, sir.

Q. Well, Carey is not the one gentleman on the police force

whose name you do not want to mention, is he; he is not the man? A. Well, I don't know nothing about him either.

Q. Did you ever see Carey; did you know him personally? A. I know him to see him, of course.

Q. Did you ever pay him any money? A. I don't remember.

Q. You don't remember; well, now, did not Carey tell you that you had better go way? A. No.

Q. Now you will not swear that Carey did not tell you you had better go away from New York? A. I don't remember.

Q. Anyway, up to the very night you left New York you were perfectly willing to come before this committee at that time? A. Yes, sir.

Q. In September, wasn't it; September ninth? A. The ninth of September.

Q. And you were perfectly willing to just come before this committee and tell this committee everything you know, just as you have told them to-day? A. I had no feeling against nobody, only he was treating me mean a week before I must come here; I passed before my sister's, and she told me — she called me bad names; she is sore on me, and she told me the police look for me to give me five years, for I can't speak any more; and I am very quick, and I went right away to the station-house, and the sergeant was in the desk; and I told him, "Sergeant, my sister tell me Peterman was there and wanted me to have five years because I can not speak; "then the wardman came — Peterman came and told the sergeant, "Do you know her?" "Yes; she is the sister of the woman that keeps a cigar store;" and then he commenced to be sassy; he told me, "Are you crazy, or are you sick?"

Q. The sergeant said? A. Yes; "If you are crazy or sick I pay a doctor for you;" I told him, "Sergeant, if I want a doctor I can have a doctor myself," and I went out and a policeman folowed me all the time, and every minute would say I would be arrested.

Q. Out on the street? A. On the street; and I was afraid to go out.

Q. Was that the night you left New York? A. That was a week before I come to the committee.

Q. A week before you were to come to the committee? A. To come to the committee.

Q. Did you see any policeman from that time up to the time you left New York? A. Every day, of course.



Q. I mean did you talk with them, or did the policemen talk with you? A. Well, I talked only to Derrigan.

Q. Now, during that week did Derrigan advise you to leave New York? A. No.

Q. Well, Derrigan asked you if you were going to come before the committee? A. I really don't remember what I was speaking to him; I don't remember.

Q. He saw you several times? A. Yes, sir; he was very nice to me since he heard the committee was here.

Q. Since the committee has been here he has been very nice to you? A. Yes, sir.

Q. You made up your mind then to go before this committee; you had nothing to conceal? A. I had only for the police treated me mean, and every time said they wanted to arrest me, and for this reason I wanted to come here.

Q. They were threatening you with arrest? A. Yes, sir.

Q. Now, you went to see Mr. Moss here; did you not? A. Yes, sir.

Q. And you had a talk with him? A. Yes, sir.

Q. And you had a talk with this man here that I point my hand to (pointing to a detective)? A. Yes.

Q. And you told Mr. Moss everything; he took down your statement, did he not? A. Yes, sir.

Q. He wrote down your statement; now, don't you know that this statement that was taken down from you contains the name of the policeman that you did not want to mention here? A. I can read no English and don't know what is in the paper.

Q. Didn't you tell Mr. Moss? A. I don't remember.

Q. Wait a while; let me see if we can not come to an understanding—well, never mind, let it go; I respect your feelings, Mrs. Hermann; I sympathize with your condition; let it go; poor woman, she has suffered enough; I only want to know, Mrs. Hermann, now I want you to tell the committee the truth of this, why did you leave New York after you got the subpoena; now, I have not pressed you upon other matters that you did not want to talk about, because I have some regard for your feelings, but I do want you, and we must insist upon your telling us the truth how it was that you came to leave New York; just tell us the whole truth; you have nothing to fear from anybody; you have only something to fear in case you do not tell us the truth? A. Well, I was meeting a party Sunday night.

Q. Sunday night was it? A. Yes.

Q. That was the Sunday night you were to come here to the committee on the following Tuesday? A. Yes, sir.

Q. You remember that? A. Yes.

Q. And you had been subpoenaed on Saturday, I think, was it not? A. I don't remember exactly.

Q. Well, that is all right; you were to meet a party, you say; what party? A. I don't remember who it was.

Q. How did you go; just tell us all about it? A. Well, I don't know.

Q. Oh now, Mrs. Hermann, we will have to insist upon this we have treated you very kindly I think about the other matters; but we must insist upon your telling us this? A. Well, I tell you I am too old; the police sent me away.

Q. The police sent you away? A. Yes, sir.

Q. Wasn't there a purse of money subscribed for you; some amount of money subscribed for you to go away? A. Yes, sir.

Q. One captain gave \$400, didn't he? A. I don't know it.

Q. How much money did you get? A. One thousand seven hundred dollars.

Senator O'Connor.—A partial restitution.

Mr. Goff.—Partial, only partial.

Q. Well now who gave you the money? A. A gentleman, I never seen him, and I don't know who he is.

Q. A gentleman you have never seen, and you don't know who he is? A. No.

Q. Well, that is all right; I accept that, because that is just the way in which it would be likely to be done; did he go to your house? A. No.

Q. Just tell me all about it and I won't press you on those other matters; I won't refer to the other matters again that you do not want to talk about, and I know you must be tired, and I think when I speak to the committee about your purging yourself of contempt, I think when we have a private consultation and tell them just how much you have suffered that they may overlook your refusal to tell the names of those men that you want to protect; but we do want you to give us a full statement about how you went away; and the sooner you do it the sooner you can rest? A. Well, it is all.

Q. Just tell us all about it? A. The money was offered to me, and I told them I don't want any money, I only wanted my expenses that I should go away; and \$1,700 was given to me,

and after the gentleman did give me his money, I asked him who gave this money, if Captain Haughey was in it, and he told me yes.

Q. If Captain Haughey was in it? A. Yes; and if the policeman Derrigan was in it, and he told me yes; and I told him the first captain I had was in it, and he told me yes.

Q. Brogan? A. Yes.

Q. Did you mean Ryan? A. Ryan, too was among the people; that is all I know.

Q. Was that in your house; now we heard, Mrs. Hermann, that you left this house at midnight, that is, on Tuesday night, the night before you went away; that you left your house at midnight; and left with your wrapper on, is that true? A. No, sir; that is not true.

Q. When did this party first come to you, this person? A. Sunday.

Q. On Sunday? A. Yes.

Q. Were you in your house? A. Yes, sir.

Q. Just tell me what he said, if you please? A. This gentleman, I don't know him; and he said that a friend of mine wanted to see me, and I was there.

Q. Did you go into the parlor to talk with him? A. I did not see nobody; I saw lots of people, and that is all.

Q. After he told you that in your house, was that in Sixth avenue? A. Yes, sir.

Q. You had given up the house at that time? A. Yes, sir.

Q. And this was Mr. Helrung's house? A. Yes, sir.

Q. And you were attending him as nurse? A. Yes; as a housekeeper.

Q. His leg was broken? A. Yes.

Q. And this man came in; and you say he told you a friend of yours wanted to see you? A. Yes.

Q. Did he tell you where the friend was; oh, you might as well tell the whole of it, Mrs. Hermann, and we will get through here; and you will have the whole thing off of your hands; we will have to get out what you know; and you had better tell us the whole story; you have been doing very well? A. It is all what I know, Mr. Goff.

Q. Well, I know, but I simply want to get it off of your mind; this is not against you at all; we simply want to get it for our record here; now did he tell you where this friend was? A. I don't know myself where he was.

Q. Didn't he tell; didn't he say to you that your friend was waiting at some place for you? A. Yes, sir.

Q. And where was he waiting for you? A. On the street.

Q. Was this after 6 o'clock in the evening? A. About 11 o'clock at night.

Q. Had you retired at the time he called; had you retired to bed? A. Yes, sir.

Q. And you got up out of bed? A. Yes — no, I was not in bed.

Q. Did you go out with him? A. No, sir.

Q. Didn't you ask him who the friend was, and what he wanted with you? A. No, sir.

Q. But you were not going to go out at 11 o'clock at night to meet a man? A. I don't think it was 11 o'clock, but about 10.

Q. You were not going out on the street to meet a strange man, were you; you were not going to do that? A. Well, I was meeting some parties, and of course —

Q. Wasn't the party that you were meeting there; isn't he one of the men whose names you have refused to give me? A. It was about 12 there.

Q. About 12 men in the street; you did not stop talking to 12 men in the street, Mrs. Hermann; I know where you went that night, so you might as well tell us, you know? A. Well, Mr. Goff I didn't go in no place; and I seen somebody in the street.

Q. Did you talk to the 12 men in the street? A. I don't know nothing about this; I cannot tell you.

Q. Well, now, let me ask you this, were the men that you talked with in the street that night policemen, or connected with the police department? A. Yes, sir.

Q. Twelve of them? A. I can not say exactly how much; but there was so much, anyway.

Q. Was that in Sixth avenue, about Carmine street? A. Up in a place up there.

Q. What street was it — Washington square? A. I don't know which street it was, really.

Q. Did this man that called for you, did he take you to the place where these men were? A. No, sir.

Q. How did you know where to find them; now you told certain persons all about this thing, and we will have it out; we will have it sworn to here upon the stand? A. Mr. Goff, nobody knows, and nobody can swear where I was and what it was.

Q. Nobody knows but those men you went to see; they know? A. Of course, they know.

Q. Well, suppose that one of them has squealed and told about it; what do you say to that? A. I don't believe it.

Q. You don't believe he has; do you know where that little French restaurant is on the south side of Washington square, between South Fifth avenue and Greene street? A. I don't know.

Q. You know where that church is on the south side of Washington square, with the illuminated cross at night? A. Yes.

Q. Wasn't it opposite that church you met those men? A. It was not.

Q. Where was it in Washington square; did you go into the park; now, of course, we know it was in Washington square, Mrs. Hermann? A. I don't remember; I can not tell you the street, Mr. Goff, sure.

Q. You know where Garibaldi's statue is in Washington square, don't you; don't you remember going by Garibaldi's statue that night that you went to see those men? A. Well, it was about that way.

Q. Yes; it was about that way; well, it was in Washington park, anyway; I remember Washington park before that road was cut through; do you remember that? A. No.

Q. You were not here then? A. No, sir.

Q. Then it was all trees; you know the road that runs through South Fifth avenue under the marble arch? A. Yes, sir.

Q. You went that road that night, don't you remember, toward the marble arch? A. If I tell you it I say I don't tell you the truth; I don't know where it was.

Q. You don't know what part of the park it was? A. It was not in the park.

Q. Then you know the street? A. No, really I don't know.

Q. It was one of the streets leading off the Square? A. Well, never mind so long as I seen somebody.

Q. I know; but we will have to insist upon that? A. Well, Mr. Goff, if I wanted to tell you the truth I can not tell you; I don't know the number and can not tell what it is really.

Q. Let us be reasonable with each other; we have got along very well so far, although you told me you did not like to meet me at first, you remember that; you don't think I am such a bad fellow? A. I am sorry yet to meet you.

Q. You are sorry yet; well, I thought I had succeeded in making quite an impression upon you; I would like to be a friend, Mrs. Hermann; I would like to be your friend here; I have tried

to be your friend, but if I be your friend you must be mine.  
A. Well, Mr. Goff, I told you all what I know.

Q. Tell me just when you left your house at Sixth avenue, that is near Carmine street? A. Monday morning I go away at 6 o'clock.

Q. You went away Monday morning at 6 o'clock? A. Yes, sir.

Q. And after you left those men on the street that night you went back and prepared to leave on Monday morning? A. Yes, sir.

Q. Where did you buy your ticket? A. I did not buy it myself.

Q. Who bought the ticket for you? A. I don't know.

Q. The ticket was given to you that night, wasn't it? A. A gentleman whom I don't know and never seen him before.

Q. He gave you the ticket for Montreal? A. No, sir.

Q. Where was the ticket for? A. For Albany.

Q. Did you go by the 8 o'clock train to Albany next morning from the Grand Central depot? A. Twelve o'clock at night.

Q. Twelve o'clock at night? A. I left my house 6 o'clock in the morning, and 12 o'clock at night I took the train.

Q. Where did you spend the time from 6 o'clock in the morning until 12 o'clock at night? A. I don't know.

Q. You did not remain going around the streets, did you? A. I was in Philadelphia.

Q. You were in Philadelphia; did you go from your house at 6 o'clock in the morning direct to Philadelphia? A. No.

Q. Where did you go from your house when you left at 6 o'clock in the morning? A. It was to Newark.

Q. Did you go down here to Courtland street? A. I don't know which street I went.

Q. There was somebody with you; you did not know the way yourself? A. A gentleman what I never seen was with me.

Q. A gentleman you never saw before; I want to ask you did you go out to that little place in West Hoboken? A. What?

Q. You know where Hoboken is? A. Yes.

Q. You know where the monastery is out there; that big building? A. I don't remember that.

Q. Were you ever out to Hoboken? A. No.

Q. Wasn't there a woman that washed for you, or worked for you one time, living out there? A. Yes, sir; once.

Q. Was you ever out to her house? A. Yes, sir.

Q. Was that before you left with this strange gentleman?  
A. Yes.

Q. Did you go to her house after you left your own house at 6 o'clock in the morning? A. No.

Q. Do you remember sending a bouquet of flowers to Mr. Helrung? A. It was not me.

Q. Well, I know it was very thoughtful of you; do you remember that bouquet of flowers you sent to Mr. Helrung on his birthday; poor man, he was in bed with a broken leg; do you remember that? A. It was not myself; but it was the same day.

Q. But you know about it? A. Yes, sir.

Q. And where were you when you sent that bouquet of flowers? A. In Montreal.

Q. And you sent word down here to have that bouquet of flowers sent to Mr. Helrung, didnt you, on his birthday? A. I don't know; it can be.

Q. You forget all about it; you see we know now a little, and we found out by that bunch of roses where you were? A. (Witness laughs), there was a good message in that.

Q. Yes; it was a kindly message; well, now when you went to Montreal did you first go to the Hotel Richeliou? A. No.

Q. Were you there at all? A. No.

Q. What hotel did you first go to? A. The Queens Hotel.

Q. Did this strange man go with you to Montreal? A. No, sir.

Q. How far did he go with you; you went to Newark, you say, first, early in the morning; how long did you stop in Newark? A. Two o'clock in the afternoon.

Q. Did this strange man stay with you there during that time? A. No, sir.

Q. Did he leave you in Newark? A. Yes, sir.

Q. Did you get the \$1,700 on Sunday night when you went to meet this man in the street? A. No, sir.

Q. Where was it that you got the \$1,700? A. I met a man I don't know him at all.

Q. Where was it he gave the money to you? A. I really don't remember where I got it.

Q. Don't you remember? A. No.

Q. But you got it before you left New York anyway, did you not? (The witness nods her head in the affirmative.)

Q. You won't deny you got that \$1,700 before you left New York? A. Well, Mr. Goff, all I have to say I received \$1,700; only I can't tell where I had it.

Q. Did you receive it; never mind where you got it; did you

receive it the Sunday night you went to meet these men? A. No, sir.

Q. Did you receive it the next morning; tell me when you received it, then I will stop at that? A. I don't know if it was the next day or day after.

Q. On Monday or Tuesday? A. I think it was Monday.

Q. Now I want to know if it was in Newark or New York; you say you went to Newark at 6 o'clock in the morning, so you must have got it in Newark? A. I was back to New York.

Q. You came back to New York from Newark? A. Yes, sir.

Q. What did you go to Newark for? A. To pass my time.

Q. That is, this strange man asked you to go there to keep out of the way, did he not? A. I had two or three men, strangers.

Q. Well now, you got this \$1,700 on the condition that you would go away and not go before the Lexow committee; is not that the fact? A. Yes, sir.

Q. Well, you knew some of those men that you met on the street on Sunday night, did you not? A. I can not remember any more.

Q. You knew some of their faces when you saw them? A. Well, it was very dark.

Q. Yes, but you recognized their faces? (The witness laughs but does not answer.)

Q. Briefly tell me — for I want to get through for to-night — briefly tell me, you came back from Newark to New York, and how long did you remain in New York? A. I went away with the train at 12 o'clock.

Q. On Monday night or Tuesday? A. On Monday night.

Q. From the Grand Central depot? A. Yes, sir.

Q. And you went on the night express to Montreal, or to Albany? A. Yes, sir.

Q. Did you stay in Albany any length of time? A. Yes; an hour or two.

Q. And then you took the train from Albany on to Montreal? A. Yes, sir.

Q. The next train; this strange man that you never saw before was with you all this time? A. No, sir.

Q. He went to Montreal did he? A. No, sir.

Q. Did he leave you in Albany? A. I can not tell you, Mr. Goff; if I tell you I tell you a lie.

Q. That man's name you won't tell me? A. No.



Q. When did you first meet Mr. Hall? A. Well, I met him Monday!

Q. You don't know where you first met him? A. I met him first in New York; but I don't know if he is Mr. Hall or what he is.

Q. That is a name he went by? A. I don't know.

Q. That is the name he registered under? A. I suppose; I don't know his name.

Q. Yes; Mr. Hall went to you that Sunday night and told you some friends of yours wanted to see you; is not that a fact? A. No.

Q. Where did you first meet him? A. On the street.

Q. He was one of the men on the street that you went to meet? A. I don't know it was him; it was somebody I never seen in my life.

Q. I know; but this Mr. Hall that afterward went with you to Montreal and to Chicago, he was one of the men that you met on the street that night; was he not? A. I don't know.

Q. You won't swear he was not? A. I did not speak to him that way anyway.

Q. I ask you, Mrs. Hermann, if Mr. Hall, the man that went with you to Montreal and to Chicago, and that registered under that name with you in Montreal and Chicago, was not one of the men that you saw on the street that Sunday night? A. I seen him in the street; but I did not speak to him there.

Q. He is one of the men you saw upon the street, is he not? A. I saw him there; yes, sir.

Q. And he represented the police? A. I don't know.

Q. He was not a friend of yours, and you never met him before; was he? A. (The witness shakes her head but does not answer.)

Q. You did not elope with him, did you; and he did not stop in the same hotel at Chicago, did he? A. I don't know his name; and I don't know the man.

Q. He did not put up in the same hotel that you put up in Chicago? A. If he was in the same hotel?

Q. You were in the same hotel in Chicago, were you? A. Yes, sir!

Q. Were you in the same hotel in Montreal? A. Yes, sir.

Q. In the Queens? A. Yes, sir.

Q. Didn't you change from the Queens in Montreal to another hotel? A. No, sir.

Q. Now I want to ask you how was it you came to leave Montreal and go to Chicago? A. I did not like the place.

Q. It was too slow in Montreal; wasn't it? (The witness laughs, but does not answer.)

Q. When you got to Chicago—let's see—your hotel was not very far from the Palmer House, was it? A. I don't know about Chicago.

Q. You have heard of the Palmer House; that big hotel there? A. Yes.

Q. It was not very far where you stopped; a little distance away from it? A. Yes.

Q. Now, Mrs. Hermann, you met a number of old faces there in Chicago, didn't you; faces you knew in New York? A. Yes, sir.

Q. Now I want to ask you—I want you to tell me the truth, which do you think, Chicago or New York, is the finest city? A. New York.

Q. And those ladies that you met in Chicago, old friends that you had seen in New York here, didn't they think New York was, after all, the best city off the two? A. Yes, sir.

Q. And did they ask you how the Lexow committee was getting on? (The witness laughs.)

Q. Did they? A. Yes.

Q. And they were all there in Chicago taking a recess until the Lexow committee would get through, weren't they; there were quite a number there, weren't there? A. Yes, sir; from all over New York.

Q. By the way; that puts me in mind, when you speak about all over New York; do you remember the time you wanted to open a house in the Tenderloin? A. Yes.

Q. Well, their prices were pretty high up there in the Tenderloin, were they not? A. Yes.

Q. They were higher than down in the Fifteenth precinct for a house; now, for instance, a house in the Fifteenth precinct that you would have to pay \$300 initiation fee, you would have to pay a thousand dollars for that house in the Tenderloin, would you not? A. I think so.

Q. That is the sum that was asked you, a thousand dollars, was it not? A. Yes, sir.

Q. And what street was that house in; Twenty-seventh, was it not? A. One hundred and twelve Thirty-sixth street.

Q. Thirty-sixth street? A. Thirty-second street.

Q. What was the number? A. One hundred and twelve.

Q. One hundred and twelve West Thirty-second street? A. Yes; 112.

Q. Just a little west of Sixth avenue? A. Yes.

Q. What was the rent of that house? A. One hundred and thirty-three dollars a month.

Q. Well, it had been used for that business before? A. Yes, sir.

Q. Well, did you get a lease? A. Yes, sir.

Q. And before you opened you had to see somebody? A. Yes, sir.

Q. Who did you see? A. One night the wardman of the station house came to me; and he was very sassy; and asked if I was running this place.

Q. He was saucy? A. Yes; I told him yes; he told me if I don't know the rules of the precinct; and I told him, yes; well, he says, you know very well you cannot move into here until you see the captain.

Q. That you could not move, or open there until you saw the captain? A. I told him I don't know whether I want to keep the house or whether I want to let it; he said the best I have to do is to move out the furniture; the furniture was in; I told him why; he said you cannot live very decent; you know it is a house of that kind all the time; I said I don't ask you that; that is not your business; then he was very sassy, and he go away; and the next day he look all over for me, and of course I did not want to see him; and then he sent me word by the Frenchman that he wanted to see me; and he came in the house and was very friendly that day; he was sassy the second time; and he asked me if I wanted to open a house; and I told him I don't know; I put only my furniture there, and I will try to let the place furnished; then he told me, if you want to open a house everything will be all right.

Q. Everything what? A. Everything will be all right; I asked him how much it was; he told me \$2,000.

Q. Two thousand dollars? A. I told him I never had \$2,000 to open a house; then of course he came from \$2,000 to \$1,000.

Q. He came down from \$2,000 to \$1,000? A. To \$1,000; and he asked me \$100 a month.

Q. And \$100 a month? A. Yes; and if I was make me good business I should give him \$1,000 afterwards.

Q. That is if you made good business you should pay the other \$1,000 afterward? A. Yes; then everything was arranged with him, and I must pay him the Thursday; the money was not in the house and Thursday I was to pay; in the meantime the banks was closed, and they don't have any money in the banks; there was 30 or 60 days in the banks to get the money out; anyway I asked Mr. Helrung if he wanted to lend me the money; and he told me no; he did not want me to be in such business; and then he go away with me; and of course I hadn't such money; and the banks were closed; and I had only \$300; and I was with him, and he took me in a little room.

Q. In the station-house? A. In the station-house; and I told him; I said, "Mr. Burns —"

Q. Wardman Burns? A. Yes, sir; he told me, he said, take a seat; he was very nice to me; I said here I can have only one money; I have \$300, and \$50 for a month; well, he said, you have diamonds, put them in hock a month; I told him no, I do not want to do it; he said the captain is very bad off for money and you go straight and bring the \$1,000; and I was never there any more; and I paid the rent six months, rent in advance — I paid the first month and the last month.

Q. Who was the captain of the precinct at that time? A. He is changed now; I never see the captain.

Q. Did you hear his name? A. I sometimes hear; I don't remember his number; I don't remember the captain; I only seen Burns.

Q. What year was that? A. A year ago.

Q. A year ago last summer? A. Yes; that was in July.

Q. July, 1893? A. Yes.

Q. That was the time when there was a panic here among the banks, and they all wanted notice? A. Yes, sir.

Q. Before they would give money out of their savings banks? A. Yes, sir.

Q. Well, Mrs. Hermann, I know you must be tired now; I want to let you away as soon as possible but I want to ask you a question; who employed Mr. Daly over in Jersey to stop you from coming to New York? A. I don't know.

Q. You did not employ him? A. No, sir.

Q. You did not give him any money? A. No.

Q. He tried to get some money from you? A. He never asked

me for it; he asked me for \$500 if I go there; I told him I don't want you to keep me in trouble; he said, you have bail, I can get you out; he said, have you \$500.

Q. That is, he would take you out on bail if you gave \$500?

A. Yes, sir.

Q. And you told him you did not want to give up \$500? A. Yes, sir.

Q. And did he tell you who employed him or engaged him to go there? A. No.

Q. Did you ever ask him? A. No.

Q. Did you expect that a lawyer would meet you at Jersey City? A. No, sir.

Q. Well, now, when Hall telegraphed from Chicago that you had left by the Pennsylvania, you knew that you expected to meet somebody there, didn't you? A. No, sir; I did not see anybody before I went away from Chicago.

Q. Hall had left Chicago, hadn't he? A. I don't know; I did not see him.

Q. Well, we will stop right here to-night.

The Chairman (O'Connor).—Do you want the witness in the morning?

Mr. Goff.—The witness is yet with the committee, sir.

The Witness.—Mr. Goff, let me go home to-day?

Q. You would like to go home to-day, would you? A. Yes, sir.

Q. And you know you are under subpoena here — well, we will send — you had rather go home, would you not? A. Yes, sir.

The Chairman (O'Connor).—Let some sergeant-at-arms attend her.

Mr. Goff.—We will send one of the sergeant-at-arms to see you won't be annoyed or troubled, and you will be here in the morning, won't you? A. Yes, sir.

Q. You are tired are you not? A. Yes, sir.

Mr. Goff.—Well, all right, Mrs. Hermann, we will adjourn.

Senator O'Connor.—The question is whether or not she will be purged of contempt of this committee, will depend upon keeping away from the parties that have been using her the way they have.

Mr. Goff.—These people can not do anything for you, and the Lexow committee is not going to adjourn, and you are in trouble, and the Lexow committee will do what is right with

you, provided you do what is right by the law and that is all you are asked to do?

The Witness.—I was right. I told you everything; and every word I told you is the truth.

Mr. Goff.—I haven't any doubt about that. I do not find fault with what you have told me but what you have not told me.

The Witness.—Well, Mr. Goff, if you kill me I don't say it.

Mr. Goff.—I did not bother about the other things, but what we are interested in is about your departure from New York; I don't care about the other.

The Witness.—I told you just what it is.

Mr. Goff.—I know; it is all right. Mr. Senator, we will adjourn.

The Chairman (O'Connor).—All witnesses subpoenaed to be here to-day will be here at half-past 10 o'clock to-morrow sharp; and you, Mrs. Hermann are still in charge and can go to your house and remain there. Don't let these other people come around, because if they do it might result in trouble to you. We feel disposed to help you out of the situation.

Proceedings of the fifty-eighth session of the committee, November 3, 1894 at 10 : 30 a. m.

Present.—Senators Clarence Lexow, Daniel Bradley, Cuthbert W. Pound, George W. Robertson and Edmund O'Connor. John W. Goff and Frank Moss, of counsel for the committee.

Chairman Lexow.—Mr. Goff and Mr. Stenographer, I desire to make another short statement in reference to an article which I see in this morning's Mercury. The communication that I received was not shown to a living man, neither to counsel for this committee nor to any member of the committee. Judge Jerolomon produced in my office the printed copy of the letter, as I said yesterday published in the News, but as a fact it was in the Mercury. After Judge Jerolomon showed me that publication I then produced the letter at his request out of my pocket, which was the first time anybody outside of myself had seen the original letter. Certainly after its publication there could not have been anything private or confidential about the letter.

Senator Pound.—As I understand, the letter related solely to a civil justice's court and was not in the research of the investigation of this committee anyway.

Chairman Lexow.—That is true. It relates to the court of which Judge Jerolomon was justice and to his official acts, and not to the acts of any person connected with any one of the departments which under the resolution we are authorized to investigate.

Senator O'Connor.—It was addressed to the chairman of the committee.

Chairman Lexow.—Yes, sir.

Senator O'Connor.—An official document, practically.

Mr. Goff.—Then Mr. Lexow, may I say, you had in your possession what appeared to be the original letter, and yet—

Chairman Lexow.—It bore all the stamp of authenticity about it.

Mr. Goff.—And yet at the same time there was produced to you a newspaper with the letter published in the newspaper.

Chairman Lexow.—That is a fact.

Mr. Goff.—So there must have been sent to the newspapers a copy of the letter that was sent to you.

Chairman Lexow.—I refused to produce the letter to Judge Jerolomon when he first asked for it, and only produced it after he showed me this publication in the paper. Are you ready to proceed?

Matilda Hermann, recalled and further examined by Mr. Goff, testified as follows:

Mr. Goff.—I want to have this witness make the statement she has made to me:

Q. Now, Mrs. Hermann, I wish you to make a statement of what you have stated to me in your own way, without any questions on it? A. I seen in the paper this morning everybody denying what I said, and Judge Hogan wanted to indict me; I am not afraid of him indicting me, because whatever I say is the truth; or of Judge Smyth either; and every word I did say about receiving the money was the truth, for the police gave me \$1,700 to go away; it must be the truth; it did not make me go away.

Q. You are not afraid? A. No, sir, to nobody; I tell to everybody just what I tell to you, and everything is the truth and plenty more.

Q. There was more? A. Yes, sir; and I am not afraid about what this Judge Hogan or Recorder Smyth say; and am not afraid to face anybody in the city of New York; and I can prove every word.

By Chairman Lexow:

Q. You think that after you face Mr. Goff you can face anybody else? A. I am not afraid of anybody; for everything I told was the truth; and they gave me \$1,700, as I said on the stand, for me to go away; I did not steal the money; I have it.

By Mr. Goff:

Q. On that point, Mrs. Hermann, here is Captain Ryan in court; did you see Captain Ryan that night that you went away? A. Mr. Goff, I can not tell you; I saw lots of men that I don't remember who it is; and I can not swear false because I don't know who the men were; I only seen them once on the street the evening; and that is all; I do say though I never speak to him, and never seen him near me.

Q. Well, the man that brought you there and told you — A. Yes, sir; he told me that Captain Ryan was there, and at the same time I was there.

Q. Among those men? A. Yes, sir.

Q. There were some of those men sitting on the curbstone, weren't there? A. They were sitting on the sidewalk; yes, sir.

Q. Well, you told how much money Captain Brogan put into this \$1,700? A. I cannot tell you Mr. Goff; I don't know; I received the money; I received \$1,500 at once, and I received \$200 afterward; but I don't know how much money each one have pay; I can swear to everybody putting something in.

Q. That is, everybody that was interested in getting you away put something in? A. Yes, sir.

Q. Now, this person that I called Hall, yesterday, that accompanied you, he went with you to see that you did not come back? A. I never spoke about this to him; I don't know it.

Q. He accompanied you; this man went with you? A. Yes, sir; but I don't know him; but I don't know if this is the name; and I never asked or question him on the money.

Chairman Lexow.—Mr. Goff, it has been suggested by members of the committee here, that, inasmuch as these threats have been made, if they have been made, it might just as well be put upon the records that you are instructed by the committee



to defend any witnesses against whom any attempted indictment should be secured, or any threats made.

Mr. Goff.—It shall be my pleasure, Mr. Senator, to defend any witness in any court that may be indicted for any offense growing out of or referring to any testimony given by such witness before the committee.

Senator O'Connor.—That is, where you are satisfied they have testified to the truth.

Mr Goff.—Yes, of course; or even where I am satisfied that even though the indictment may have been originally well founded, that if such prosecution now takes place, prompted by malice or spite, on account of the testimony, I shall do what I can.

Senator O'Connor.— Yes; that is right.

Q. Now, Mrs Hermann, you have heard the Chairman instruct the counsel here, and it will be our duty to do whatever we can to defend you from any unjust attack by anyone, high or low?

A. Yes, Mr. Goff; I was not afraid of anybody; if the law is right, I am not afraid; everything I say is the truth; I do not lie; I never did.

By Chairman Lexow:

Q. The law is all right, madame, but the trouble is sometimes the execution of it is wrong? A. I see Judge Hogan, and I told him something in his face before the court; I am not afraid of him; he know very well who made me come back; I don't be afraid of him; it was a year ago; Judge Hogan don't scare me at all.

By Mr. Goff:

Q. That is, he knows who made you come back from Europe?

A. No, sir; he never made me come back; I say I went away to save the police a year ago, and in my sister's case; my niece was an honest girl, and the police said she was a criminal; and hear is Mr. Peterman, and I ask him; Mr Peterman, this is a shame, and he said, "Oh, you are blowing."

Q Who is Peterman? A. This man here (pointing to Officer Peterman.)

Q. That is all; we see him? A. He told me he would give me five years prison, this man, if I don't keep my mouth shut; and he is the same man in the Mercer street station-house,

don't look at me; you cannot look at me straight; you are only a thief and a loafer; that is all I have to say to you; I am not afraid I told you that before; you know it too; and you received money of my sister; and I came to her door, and you was to my sister about 10 times, and I know it and can prove it; you and another man, when I speak about my neice, I say the police is ashamed of it, if a policeman has a child and has it in a house of prostitution, and you knew it and you policemen slept with her, and you can not deny it; you know.

Chairman Lexow.— We will proceed.

The Witness.— And people know that the police are a lot of loafers and thieves and put people in prison; and when I have \$2 and licked the man out, and if I don't pay him the policeman scolded me in my house. Any man that was licked by the police in my house they can come and prove whether I lie. Denial in the paper, I don't want that; but everything I say is the truth. I keep a house, and my word is the truth, and every policeman is a liar and I can prove it. Next time I say you don't tell lies in the paper.

Mr. Goff.— Now, so far as the officers here who are under subpoena with regard to Mrs. Hermann's case are concerned— there are other officers here under subpoena in other cases — but those officers that are under subpoena, having anything to do with Mrs. Hermann's case I wish they would leave the court room until they are called. Do not leave the court.

Chairman Lexow.— Mr. Goff, does that include captains.

Mr. Goff.— Yes.

By Mr. Goff:

Q. Well, Mrs. Hermann have you any money in the bank now? A. No, sir, not a cent.

Q. Do you remember the first time you were ever arrested? A. Yes, sir.

Q. Is there anything about that arrest that you have not told us of? A. The first time I was arrested I had a girl soliciting on the window.

Q. Soliciting from the window? A. Yes; the next day I was in Jefferson Market to take her out; then the judge arrested me.

Q. What judge was that? A. I can not tell you the name; the policeman pointed to me, and he said, "Here is the madame;" the policeman called me—the judge called me

before the bar; he told me if I was the madame of the house; I told him I was the housekeeper; and then he held me in \$500 bail; I don't know what this was; I was three days in Jefferson Market; Mr. Levy Friend came, and Mr. Price came first, and Mr. Levy Friend; Reynolds sent me Mr. Price; I was afraid they could not take me out, and I paid \$350 to Mr. Levy Friend to take me out.

Q. When you say Levy Friend, do you mean Levy & Friend?  
A. A little man.

Q. Levy was the first name? A. Manny Friend; then I was in the high court with Recorder Smyth; and never any of my cases was tried since.

Q. The case was never tried since? A. No; I was sent before the judge and my case was never tried; and the policeman did point to me in the court, and told him I was the madame; and he was removed the next day up town.

Q. Who was captain of the precinct then; was that the first captain? A. Mr. Brogan.

Q. And the officer was removed the next day? A. Yes, sir; up town; you can see with the recorder, if I am lying, which officer it was.

Q. Well, so far as you know, Mrs. Hermann — so far as you know, your case in the Court of General Sessions, that you have spoken of, has not been decided, so far as you know?  
A. The first case I was never before the judge, and I was not found guilty or not guilty; and the papers were thrown away, I am positively sure; if any one wants to say something to me I can prove everything.

Q. In regard to the case against your sister; we asked you yesterday about whether Judge Hogan had disposed of the case; now, of course, you answered that, that as far as you knew he did not dispose of your sister's case? A. Well, I had a summons to go there, and I was never there, and I don't think the case can be disposed of before I was there; summons was out, and one for me, and one for Mr. Helrung, and one for Mr. Cohen, and we was never there, and I don't think the case can be disposed of; and the last words that Judge Hogan said — Mr. Helrung was in court with Captain Haughey — and Judge Hogan told Captain Haughey, before Mr. Helrung, "If I want you I may let you know," and that is how the case can be disposed of.

Q. That is the last you heard of it? A. That is the last I heard about the case.

Mr. Goff.—Is Captain Haughey in court; officer, has Captain Haughey been in court this morning; do you know him? (The officer leaves the court-room to find the captain.)

Q. Well, now, Mrs. Hermann, is there anything in relation to your testimony, or in relation to your keeping those houses up there that you wish to speak of now, that I have not asked you about, or that you have forgotten to speak of; if there is anything you wish to tell us, tell this committee now, Mrs. Hermann? A. Mr. Goff, if I wanted to tell you everything I have for a week; and I don't intend to stand.

Q. It would take you a week? A. Yes, sir.

Senator Pound.—We are here to listen to what you have to say in answer, no matter how long it takes.

By Mr. Goff:

Q. Did you ever hear of any men who were robbed or complained of having been robbed in any of your houses? A. I only know that man that the case was before Recorder Smyth; he told he gave me \$10 and I did not give him the change back; it is not so; I did not see the man at all.

Q. That is the only case? A. That is the only case; and I was never a day in prison, and was never fined nothing since I have kept a house; I have nothing on me except I kept a house, since I was 29 years old I kept a house.

Q. Did any of your girls ever have to pay money to policemen for looking out of the windows, or going out on the street, do you know? A. The time I was in my house I paid everything.

Q. You paid everything for your girls? A. Yes, sir.

Q. None of your girls walked the streets? A. Always in the house.

Q. They always remained in the house? A. Yes, sir.

Q. Well did you ever hear it spoken of, or know anything about girls who walked the street having to pay money? A. I heard say so; but I can not swear to it; I did not see them.

Q. You heard the girls say so? A. Yes, sir.

Q. But you have no personal knowledge yourself? A. No, sir.

Q. Was it a common understood thing among the girls that walked the streets that they had to pay? A. Yes, sir; at one time lots of girls paid money to Mr. Blumenthal's house.

Q. That is the man that gave the bond? A. Yes, sir; that is

what the girls told me, and I am positively sure, only I don't see it.

Q. Do you remember when about 24 girls had to unite to make up a sum for a policeman there? A. One day a gentleman's wife, a woman, was arrested, and he came to me and Mr. Helrung and another gentleman, and he told me I paid every week six dollars to Blumenthal on that account, and for the other wardman, and 50 cents for him, and my wife is arrested three times this week; and then the man complained awful bad about it.

Q. That is in the same precinct—one of the precincts in which the colored women testified that girls paid for walking the sidewalk? A. The Eighth and Fifteenth I think was the precincts; and lots of girls up in Wooster street in a house are just the same; and every one are in there every night; and yesterday there was 15 or 20 girls yet; and the house is wide open yet; the owner himself is a friend of Superintendent Byrnes.

Q. What is that? A. That is Mr. Byrnes in Wooster street; it is a saloon underneath, and up stairs all the girls are there; the house will be closed to-day or to-morrow; but I seen a girl that was there last night, and she told me all about it; and now, Mr. Goff, I want to say testimony yet; when those gentlemen was so afraid I was going to testify before the committee, they told me I was to stay away until election, and everything would be all right; and you had no pull; and you could not do anything more; and you know nothing no more; all the gentlemen on the police was so smart.

Q. What number is that house in Wooster street? A. I can not tell you.

Q. Between what streets? A. Between Third and Bleecker; and that house was open all the time, and always; and it is licensed to sell beer and everything underneath; and up stairs is a bed-house.

Q. Now, about the elections here; who was it that told you, Mrs. Hermann, not to come here until after the election? A. It was my lawyer; he begged me—he said: "Please don't come there before Tuesday comes, and don't go there; and the committee and Mr. Goff would not be worth much, and can not do nothing; and you please stay away until after election."

Q. What lawyer was that? A. I don't know the lawyer; it was not my lawyer; he was in Jersey City for me.

Q. The one that appeared in Jersey City? A. Yes, sir.

Q. Senator Daly? A. Yes, sir; he begged me plenty of times that I don't come; and I told him, I don't stay no more here; I want to go to New York; I don't want to stay in jail.

Mr. Goff.—The crime was committed in Jersey. If it was in this State it would be a felony.

By Senator Pound:

Q. This was in Jersey City you say? A. Yes, sir; it was in prison.

By Mr. Goff:

Q. And he said that to you after you told him you had made up your mind to come here? A. Yes, sir; I told him I made up my mind and will go there; I would not stay in prison; I go; I have nothing the stay in prison.

Q. And he said to you if you only waited until after election that the committee or Mr. Goff would not have a pull? A. You had no that much after the election (snapping her fingers); the gentlemen don't deny that much in the papers, I would not tell you all this; I just found out now, they are denying again; the gentlemen must know I am a French character and I am quick mad and these gentlemen say so much, my sister is in New York, and she is hiding by them too

Q. By the police? A. Yes, sir; if they want to be so smart, if Mr. Peterman wants to be so smart, let him come here.

Q. You know the day you were to come here before, when you went away, you know your sister and her daughter was in the court-room that morning? A. I know everybody was here.

Q. That was the first time they were called here in your case? A. They knew very well I was not here; if they knew I was here they would not come.

Q. They all knew you was not here? A. Yes.

Q. And you would not be here? A. No, sir.

Q. Wonderful the promptitude of obeying the subpoenas; do you remember Mr. Moss here, this gentleman? A. Yes, sir.

Q. Over there in Jersey seeing you? A. Yes.

Q. Of course, you knew him in New York here; do you remember Mr. Daly the counsel over there, reading a letter, or talking about a letter to Mr. Moss that contained the statement that no

indictments had been found against you here in New York at that time; do you remember that? A. Yes, sir.

Q. Do you remember what Mr. Daly said? A. I was not listening much to him because he was lying to me; and a man lying to me I don't have nothing to do with him no more; and I told to him just the same like I told here.

Q. Now, do you remember a visit made to you in Jersey by a Mr. Joe Moss, a lawyer? A. Yes, sir; he was there two times.

Q. And what did he go there for; do you know? A. I don't know, Mr. Goff.

Q. Did he say who sent him? A. No; he don't say who sent him.

Q. Did he say what his business was there for? A. He told me he wanted to be my lawyer in New York if I will come over any time I come over.

Q. He wanted to be your lawyer; did he tell you the law firm he belonged to; the lawyers he represented? A. No.

Q. You knew the lawyers he represented, didn't you? A. Yes; Hummell.

By Chairman Lexow:

Q. Howe & Hummell? A. Howe & Hummell.

By Mr. Goff:

Q. Does anything more occur to you in relation to your unpleasant experience up there? A. I don't understand that question.

Q. I will take that back; let me ask you now one question; while you were away did you receive any word or communication from these people that sent you away telling you to keep away, or telling you what was going on in New York? A. I had word from a gentleman I must keep away until the Lexow committee go away, and then I can come back.

Q. Will you tell us that gentleman's name? A. I can not; I don't know him; and I never saw him before.

By Senator Pound:

Q. Did you see some person in Chicago that told you that — some one in New York, or did you receive a letter? A. No, it was said to me before I went away.

By Mr. Goff :

Q. The question as I understood it was whether you heard from these people that sent you away while you were in Montreal or Chicago? A. I received some news, only I don't know the gentleman who writes to me.

Q. You were in correspondence with the people that sent you away? A. I heard news of some of it, and I don't know who was writing to me; and then, if Mr. Peterman wants to be so fresh if he explain to me here why he removed the 1st of the month —

Q. The first of this last month? A. The first of this last month; yes, sir.

Q. The 1st of October? A. The 1st of October, for if I go away I only go away on condition that my sister go away from there, and he done it; and if he was not guilty he would not do it; he wants to be so fresh.

Q. That is, you — A. Mr. Peterman was in bed with my sister five minutes after he was a wardman, and he stayed there an hour and a half.

Q. When you went away you made that as a condition that your sister should give up keeping that house? A. Yes, sir; that was the condition I was made; and now I tell you one thing yet that just come to me, the captain is not there; he had nothing to do with it himself; it was Captain Haughey.

Q. Captain Eakin had nothing to do with it? A. He told he didn't want anything to do, because he was afraid my sister would go against him, and he made Captain Haughey do it.

Q. Well, didn't you also say something when you were going away that that poor girl, that niece of yours, that she should be put away, too? A. I was crying day and night to morning; and if I speak about her it was more than myself; I would go on my knees to every wardman and policeman; I had no satisfaction; and all the satisfaction I had was laughing at me, and I should go in prison, and she is an honest girl; and the policemen take her on their knees, and laughing with and fooling with her; and my sister said she was protected by the district attorney and by the police and she hadn't any fear of anything; and she said it not only to me, but to plenty people; and she told me that her lawyer and Judge Hogan was going to prosecute me; and she told it to Mr. Helrung and to the wardman and another party before Blumenthal, and he was not present, and Blumen-



thal made her all right through the police, and Blumenthal refused a pin with seven stones in it to make it all right with Captain Haughey; a pin with seven diamond stones in from my sister; and he refused a locket; and a thing from a society.

Q. A badge? A. A badge for making it all right.

Q. A masonic badge? A. A freemason; and he carried it long enough so anybody must know it was true or not.

Q. Carried it on him? A. Yes, sir.

By Senator Pound:

Q. Who wore it? A. Blumenthal; the girl is all right, and he had protections of the madame; and it was all right.

By Mr. Goff:

Q. At the time Blumenthal was going bonds there for the madames and the girls around that station-house, you knew he was not worth anything? A. Yes, sir; for he owed lots of money to a gentleman he knew of; and he asked for a hundred dollars for the captain.

Q. Did you give it to him? A. No; for he owed already me a hundred dollars that he stated I should have that; and he came himself to my house; and if any one wants to be so fresh—he came to my house and told me that he gave \$300 to the captain is now in the precinct in Mercer street station-house; and he comes to me and takes his hands out of his pocket and says, “I have \$96 and must have \$4 more to make it a hundred dollars, and that was \$300 I have”—no; I make a mistake; this was the second hundred dollars, and \$200; I knew he had, very well, another hundred dollars.

Q. What captain is that? A. The captain is here now.

Q. Captain Ryan? A. No; Captain Eakins.

Q. Blumenthal told you that? A. Yes, sir; and to Captain Haughey he showed me a hundred dollar bill that he put in a box of cigars; and he marked the box of cigars; and I was in the place; and he said I am going to give that to Captain Haughey; and it was about 7 o'clock in the night; and I go behind him; and he go in the station-house with the box of cigars and come out with nothing; and the next day after he meet Captain Haughey in the street and the captain said those are rotten cigars you sent me; and he told me the \$100 was not rotten.

Q. That is, the captain said they were rotten cigars? A. Yes, sir; and Blumenthal said the hundred dollar bill was not rotten.

By Senator Pound:

Q. You had this talk with Blumenthal, and not with the captain? A. That I had with Blumenthal; yes, sir.

Mr. Goff.—So she stated, Senator.

Senator Pound.—Yes; one of the committee heard it the other way.

The Witness.—And Mr. Helrung did fix that all up for keeping a house; and after this thing came in he kept the furniture back; and he kept a house; and I saw with Mr. Blumenthal a woman that kept the house for him; he paid \$10 a week to keep the house; Mr. Blumenthal had a bad house up stairs of his own; that I see and can swear to.

Q. This bondsman? A. Yes; and so quick he was going out the furniture was taken back; the furniture belongs to Mr. Helrung; and he had it cheap to make a bad house; it was not the first time he had permission to open that house.

By Mr. Goff:

Q. He had permission to open this bad house? A. Yes.

Q. Well, there are quite a number of houses such as you kept around that neighborhood? A. The street was full of it, Mr. Goff.

Q. In fact, there are a great number in that precinct? A. Yes, sir, and there was one open all the time by a colored woman — well, I don't remember her name — she was protected by both of the last captains too; Mrs. — I don't remember her name — a colored woman; she lived 127 West Third street.

Q. Was it not commonly understood thing among all the madames that they were all protected by the police? A. Mr. Goff, those women do not come and tell you that everybody was protected, because every time there was trouble the wardman came in the house, to look out that there was trouble; and every time he came for money the first of the month he go from one house to another.

Q. He came around and collected form house to house? A. Yes, sir.

Q. Did you ever see them take out a little memorandum book from the inside pocket? A. Not to my house, I did not see him.

By Senator Pound:

Q. You never saw such a book anywhere? A. No, sir.

By Mr. Goff:

Q. Did you ever hear how much money a month the police collected in that precinct? A. Well, Mr. Goff, there is many houses, and sure every one must pay him \$25 to \$50 a month; there was many houses, and I could not tell how much.

Q. Can you give us an idea now, as nearly as you can count, about the number of houses that were in that precinct as far as you know? A. I know there was 12 in the block I lived.

Q. Twelve in one block? A. Yes, sir.

Q. And those houses were paying from \$25 to \$50 a month each? A. Yes, sir.

Q. That would be from \$300 to \$600 a month for that one block; did you ever hear anything said about their getting up a present for the captain at Christmas time? A. I heard say, but I never gave a present to any captain at Christmas time.

Q. You heard it talked about? A. Yes, sir.

Q. Did you ever hear it said that they were getting up a gold watch or a diamond badge or thing of that kind for the captain? A. I heard it say there was sometimes diamonds sent to him, but I never seen any myself; only I heard it said.

Q. That is, you heard the madame speak about it? A. Yes, sir.

Q. By the way, did you ever have to buy any of those chowder tickets? A. Never, Mr. Goff.

Q. For the clubs? A. No; never.

Q. Was there anything said to you when you were going away, or when they were inducing you to go away, that you could return and open up a house again when the Lexow committee was through? A. That was promised to me, yes.

Q. Could you give us the names of any of the madames you met in Chicago? A. I only know one madame that I was well acquainted with; it was Pauline Tabout she is the first lady paid for me for protection.

Q. She was the one you told about yesterday that paid when you first got the house? A. Yes, sir.

Q. Well, I have been informed that there is a number of madames stopping in one house in Chicago waiting for the Lexow committee to adjourn? A. Yes, Mr. Goff, but I don't know many of them particularly; I only know this lady particularly.

Q. But you know in general; you heard of it out there, and saw a number? A. Oh yes, lots of them.

Q. Do you wish to say anything now before the committee excuses you for the present — anything more? A. I heard say in public here that Mr. Haughey had no money from me; he denied he ever received money from me.

Q. That is, Captain Haughey? A. Yes.

Q. What have you to say about that? A. I have \$170 in the bank, corner of Bleecker street and Brodaway the day he raided me; I commenced again, so you understand it well; the 8th of December, it will be two years, he raided me; and then my house was closed, of course, and to be discharged he sent a man to me to have \$170, \$50 for Derrigan, and \$50 for Sloan, and \$50 for himself; and I came out of court and was discharged; I was to the bank to get the money; I took \$400 out of the bank; and this gentleman, Mr. Helrung, and me were sitting in the bank, and he came to me and told me —

Q. Who; Captain Haughey? A. No; the gentleman that was with us; he came to me; I should have three \$50-bills, and I received in the bank three \$50-bills, and handed it to him; and he told me, "This is \$50 for Captain Haughey, and \$50 for Sloan and Derrigan;" and he told me, "If you want to be well in the precinct, you hand me \$20 more for Sloan;" and that was on the corner of Fourteenth street; that was Ramisky's.

Q. Ramisky on Fourteenth street? A. He is in Fourteenth street, a diamond broker; he had \$170 to him, what he ask me for those three people; that was that I should be discharged in the Tombs.

Q. And you were discharged? A. I told him I have only the money if I was discharged; and then he came with me to the bank, and I had the money there; then the same evening the policemen that was sworn against me — Zimmerman — came to my house and I did not open the dor; he knocked and told me I am an officer from the Fifteenth; of course my girl opened the door and I asked him what he wanted; well, he said, for a case like this I am entitled to \$50; I said, "What!" he said, "Yes; everybody gives me \$50 for a case like this;" then I told him, "You must come back; I don't want to give you any money;" and he said, "Oh, just give me a little if you got it;" and I gave him \$10 that day, and I told him, "You come back to-morrow and I see what I have to do;" the next day he came

back and I don't want to give him any more; and he told me give him \$10 more and "I will be a good friend to you; I have lots of pull and my brother shaves the superintendent for 20 years, and I can do a great deal."

Q. His brother shaved the superintendent for 20 years? A. Yes; since 20 years; "And I have a pull on that account," and then I haven't any \$10 change, and I ask my servant girl \$20 change, and she give me \$30 besides \$20, and I gave her the \$10 back that was missing, and I gave him \$10 before four people in my private house.

Q. What is that policeman's name? A. Zimmerman.

Q. That was the fly-cop? A. Yes; it was the one swore I sold myself to him for a dollar.

Q. He was here in court to-day? A. Well, he must know me well.

Q. We have had that name on the record before with the colored woman in regard to \$180, I believe, Senators; now this jeweler in Fourteenth street; where is his store? A. It was on the first floor.

Q. First floor? A. Yes; first floor.

Q. In what house? A. In the corner house.

Q. In Fourteenth street, near what avenue — Fourth avenue? A. Sixth avenue.

Q. Does he live there, or does he have business there? A. He has business there.

Q. Was that the first time he ever came to ask you for money for the police? A. Well, Mr. Goff, you know Mr. Derrigan, and that gentleman told a friend of mine they were going to send me up for a year; of course, my friend, Mr. Helrung, he was afraid; he did all he could to save me, of course; and this gentleman say I can not; I speak to these people, and everything will be all right.

Q. Well, that money that you paid to him in the Manhattan Bank, corner of Broadway and Bleecker street, that was before you were discharged, or after you were discharged at the Tombs? A. After I was discharged.

Q. After you were discharged? A. Yes, sir.

Q. But you were told before the case came up that if you paid that money you would be discharged? A. Yes, sir; it was the same day the gentleman told me if I don't stake Steiner he send me up.

Q If you did not stake Steiner he would send you up? A. He would send me up; and Steiner he was such a judge my sister was found guilty once \$25, and he asked \$50 to me; and I told him I seen it in the paper; I seen it was \$25, and I don't give you \$50.

Q. That is, when your sister was fined \$25, Steiner asked you \$50? A. Yes, sir; I told him I have only \$25, and Mr. Helrung said you give me a check for \$25; Mr. Helrung said I don't have no checks, but I will go her security; then my sister came out and she told me it was only \$25, and then he never have the \$25, yet I owe him that \$25.

Mr. Goff.—I suppose the \$25 was for counsel fee for paying the fine?

Senator O'Connor.—This woman was raided several times, wasn't she.

Mr. Goff.—Yes.

Senator O'Connor.—Never convicted.

Mr. Goff.—Never convicted.

Senator O'Connor.—In addition to paying the monthly tax and initiation fees, raids were gotten up as an excuse to enable policeman or a class of criminal lawyers to extort the money out of her.

Mr. Goff.—That was the clear purpose and object of the raids.

Senator Pound.—It seems to have been the practice of some policemen to protect such women as Mrs. Hermann until they became wealthy, and then squeezed it out of them and leave them destitute.

Mr. Goff.—That is the condition. This is not the first woman in that condition, Senator Pound. We have got a record of these various raids and arrests in the police blotter. We have piles of them over in my office. We propose at a proper time to put them on the records; but I doubt if we will take up the time for it to-day, as we have other matters.

The Witness.—No; Mr. Goff, I would like to ask you something. You please be kind enough each day we were arrested, and when we were arrested, and you find whether I don't tell the truth. I can swear it was this woman. I was several times in Jefferson Market.

Q. The matron? A. Yes; you find out all yourself who was there, whether I was there.

Q. The matron you know there? A. Yes; it was 4 o'clock.

By Senator Pound:

Q. Has the case against her sister ever been disposed of?

Mr. Goff.— Well, I have no official knowledge of that, Senator.

Senator Pound.— Justice Hogan is quoted in this paper as having dismissed the case for lack of evidence; and he also says, "It will not be my fault if she does not find herself in State's prison." Wasn't there another citizen of New York that boasted a number of years ago that he would railroad his enemies to State's prison?

Mr. Goff.— Oh, yes.

Q. Where is the record of the case of Mrs. Herrmann's sister; we find that Mary Hermann —

Senator Pound.— That is the sister?

Mr. Goff.— Yes; that at the time Mary Hermann was before Justice Hogan, the record was she was raided eight times, and I have the dates here. She was raided twice at 127 West Third, raided three times at 123 West Third. The dates of the various raids — the house had been raided at that time several times within two years

Senator O'Connor.— Was there any financial depression about that time.

Mr. Goff.— That was the year when the banks broke up. I regret very much that, as I said yesterday, that the counsel in this case who was a very reputable member of the bar here at the time, is not here, or I would call him.

The Witness.— He was too gentleman for those thieves too; that lawyer was too gentleman for that thief.

Q. Oh, he was too much of a gentleman? A. Yes.

Q. He was a reputable member of the bar, and was retained in the matter, and they simply made his life miserable down there, and they proposed to send the lawyer to prison.

Senator Pound.— That was Mr. Terry?

Mr. Goff.— Mr. Terry, yes. Mr. Terry happened to be professor of law in a law school; and he did not know much about police courts.

The Witness.— And he lost his position by it too.

Senator Pound.— That is, he knew the law, but not the practice.

Mr. Goff.— Yes.

Q. Now, you said yesterday—by the way, about Judge Hogan; I just came across something here; Judge Hogan knew your sister? A. He knew her well, Mr. Goff, and he knew me well, too.

Q. An he also knew several girls who had been arrested in your sister's house? A. He had — on girl was before him was arrested two or three times before him, and one time he gave her six months, and she was in the Island, and Mr. Helrung took her out.

Q. Before the six months expired? A. Yes, sir.

Q. How long was she in when Mr. Helrung took her out? A. Well, she was taken two or three times to the Tombs, and then she was taken out.

Q. She never went up to the Island? A. Yes; she was up to the Island, and they got her back to the Tombs, and there was a good deal of trouble to get her out, and then Judge Hogan knew her well.

Q. Do you know whether Mr. Helrung had to pay money those times he had to bail her out? A. He all the time had to pay money, and every time she was bailed in the station-house he paid money; and every time a policeman or detective asked if there was not something in it.

Q. In fact, you and Mr. Helrung were paying the police money all the time? A. I will tell you one thing; Mr. Helrung had nothing to do with me only he found I was troubled so bad that all my money was gone, and people was so bad to me he felt sore inside by me, and he took me out of his business.

Q. He took you out of the business? A. Yes, sir; and he lost himself about \$5,000, which he paid for me; that was money he had very hard to work for.

Q. How did he lose that money; was it by giving bail for you? A. No, sir; by paying it around and on all this.

Q. He lost about \$5,000? A. Yes; last year to save the police we were away a month and a half; and to come back we paid to come back; now, let Judge Hogan say it is not so; if Judge Hogan don't deny it, and everybody don't deny it, I would not speak as I speak, and Judge Hogan told to a gentleman that I believe, "If I know it was the truth, and this was in there, I will send her up to the Island;" and Judge Hogan told that to a gentleman.

Q. Well, when you went away last year, you went away to Montreal? A. No, sir; we were to Toronto.

Q. That was while the case of your sister was pending before Judge Hogan? A. Yes, sir.

Q. Do you wish to name the man that went with you to Montreal? A. It was a man whom I employed to get a lawyer.



Q. The man that you employed to get Mr. Terry? A. Terry; yes.

Q. You know that man, and he has been rendering services to us in this matter, so I do not wish to ask about it; well, you said that you went away on account of the police; do you know that when you went away to Montreal last year while your sister's case was pending before Police Justice Hogan — do you know if the police had anything to do with your going away? A. Mr. Goff, if my sister was raided she was not raided by the police, and it came up the captain lose his place; he told me it himself.

Q. The captain would lose his place? A. Yes; Captain Haughey; he said, "You try to put me in a hole that I was trying to put you in."

Q. This Captain Haughey told you you were trying too put him in a hole when he was trying to put you in a hole? A. Yes, sir.

Q. Your sister you say was not raided by the police; she was raided because you wanted to have her raided? A. The lawyer have two witnesses to go there, and they, poor witnesses, were locked up six weeks.

Q. And it was for the purpose of getting this girl out that you had this thing done? A. Yes; a letter was written to the district attorney that three girls was in that house — my niece — and the name of my niece and my sister; if he will be kind enough to look out for this; he wrote a letter to my sister, and my sister was there and arrange it with him; for then the man she seen she told the district attorney went to her many times to see her, and she was a good friend to the district attorney and nothing was done about it.

Q. Well, as a matter of justice I think we ought to — she did not mention the district attorney himself? A. No, sir; I think it was Mr. Shelvey.

Q. One of his deputies? A. Yes, sir.

Q. That was not during Colonel Fellows' tenure of office, and it is but proper to the former District Attorney, Mr. Nicoll, that he was not mentioned in it; one of his deputies, wasn't it? A. Yes.

Q. Shelvey? A. Yes.

Q. And the captain said to you that if it was shown your sister kept a disorderly-house that he would lose his place? A. Yes, sir.

Q. And did he ask you to go away then? A. No, sir; after I seen that Mr. Helrung didn't want to be shown up in the papers, and he told me it is better we go away, for somebody put Mr. Helrung in it, and he had nothing to do with the case, it was only me.

Q. And Mr. Haughey told you it was better for you to go away? A. Last year?

Q. Yes? A. No.

Q. Who told you it was better to go away? A. Mr. Helrung.

Q. That was after you had the conversation with Captain Haughey? A. After I had the conversation with Captain Haughey.

Q. Now, do you wish to make any further statement, Mrs. Hermann? A. No, sir; only to-morrow I see what the gentlemen say in the paper about it, then I —

By Senator Pound:

Q. Well, some of these gentlemen are not as considerate for you as you are for them? A. Everything what I say here is the truth; I am not afraid to go before anybody for 20 years yet.

By Senator Bradley:

Q. You mean to say if these men say anything more about you that you will say something more about them; isn't that it? A. Yes; then I bring out the proof.

Q. And you will bring all the proof that what you say is true? A. Yes.

Q. That is right. A. They must keep quiet or I will tell of them; it is a shame.

By Mr. Goff:

Q. By the way, you had a number of letters in your trunk, didn't you when you came back to Jersey City? A. Yes, sir.

Q. Have you got those letters? A. No; the time I was away the letters were torn up.

Q. The letters were torn up? A. Yes, sir.

Q. Who took your trunk away? A. I can not tell; I gave my check to Mr. Helrung's workman, and I think he intended to bring it.

Q. When you arrived in Jersey City that morning it was your intention to come right over here to New York? A. No; I was had a bad dream in the night; and I did not want to come here.

Q. You had a bad dream? A. Yes, sir.

Q. Well, but you would have come here; it was your intention of coming after you got over the effects of your bad dream?

A. No; I told this gentleman as the cars stopped, I says, "Here, I don't want to go there; I want to see Mr. Helrung before," and I see Mr. Helrung's workman, and asked if he sent me a dispatch and he told me no, the dispatch was false; I told him by no means I want to go with that gentleman.

Q. Did you expect when you arrived in Jersey City to have a lawyer there? A. No, sir.

Q. To look after you and take charge of you? A. No, sir.

Q. And you had nothing to do with retaining or paying Mr. Daly? A. I never gave him a cent; no.

Q. Did he ever tell you who employed him, who paid him for his services over there? A. He must be paid, for he gave \$30 in jail to me.

Q. He gave \$30 in change to you? A. In jail.

Q. Gave you \$30 while you were in jail? A. Yes.

Mr. Goff.— Well, I think we will excuse you now, Mrs. Hermann.

The Witness.— All right, I am very glad of it; but I am kind of excited.

Mr. Goff.— And, Mrs. Hermann, you will, of course, respond to this committee when we call upon you again?

The Witness.— All right.

Mr. Goff.— You are yet under subpoena and under the charge of this committee.

The Witness.— All right, Mr. Goff.

The Chairman (O'Connor) — And you don't want her kept in the custody of the sergeant-at-arms, do you?

Mr. Goff.— Not any longer; you can go where you please, provided, of course, you will respond to us, and keep us informed of your address, will you please?

The Witness.— All right, Mr. Goff.

Mr. Goff.— Keep me informed where your address is, will you?

The Witness.— Yes, sir.

Mr. Goff.— Have we here the papers from the Jefferson Market Police Court? Are there any messengers here from the

Court of General Sessions. Is Mrs. Moebeus in court? All right, take you seat, Mrs. Moebeus. Mr. Keshler in court? Mr. Kusch in court? Mrs. Kusch here. Mr. Kusch here.

Richard Kusch took the stand.

Mr. Goff.—Just step down a moment. I did not know the clerk from headquarters was there, Mr. Delamater.

William Delamater, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. You are a clerk at police headquarters? A. Yes, sir.

Q. And you have brought a record, or copy of your record of captains of the Tenderloin or Nineteenth precinct of this city? Yes, sir.

Q. Will you please name me the first you have on the record there? A. Captain Thomas Reilly.

Q. In what period? A. He was from August 19, 1887, to April 19, 1892.

Q. What was the next captain? A. William W. McLaughlin, from April 19, 1892, to October 1, 1892.

Q. And the next captain? A. Richard Connor, from October 1, 1892, to December 5, 1893; and the next was Captain Schmittberber; he went there December 5, 1893, and remains there to this time.

Mr. Goff.—You see, Senators, the object of getting this on record just now is to fix the captain that was in the precinct when Mrs. Hermann was asked for \$2,000. She was not able to fix the captain's name yesterday. The witness swore that it was during the time of the financial depression, if you remember. It was during the summer when the banks failed; that is all, Mr. Delamater; that would bring that period of time fixed by the witness to cover or be included in the time when William W. McLaughlin was captain, from April 19, 1892, to October 1, 1892.

Senator Pound.—Is that the present Inspector McLaughlin?

Mr. Goff.—Yes, sir.

Chairman Lexow.—It was after the 4th of March, 1893.

Mr. Goff.—I am sorry I made the mistake. Last year, 1893, yes. Well, then Captain Richard Connor from October 1, 1892, to December 5, 1893, would include that period of time.

Senator Pound.—I think she said it was in July, 1893.

Mr. Goff.—Yes; I am sorry I mentioned the other officer's name. Then it is Richard Connor, that is the Connor that is

under trial, or under charges to-day, and whose case has not been decided for that pool-room outrage.

Senator Pound.— That Officer Sheridan figured in.

Mr. Goff.— Yes; and the captain in whose precinct has been described here by two or three witnesses as the headquarters for the green goods men, because it commands the ferries where the dies can be brought over.

Richard Kusch, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examined by Mr. Goff:

Q. Mr. Kusch, are you afraid of any one here for giving your testimony? A. No.

Q. You are prepared to tell the truth here, are you not? A. Yes, sir.

Q. You are not afraid of anyone? A. No, sir.

Q. Because you have not done anything? A. No, sir.

Q. That is it; well, now you are a married man? A. Yes, sir.

Q. And Mrs. Kusch who is in court with her baby is your wife? A. Yes, sir.

Q. And that is your child? A. Yes, sir.

Q. On the 1st of April, 1894, before Judge Joseph Koch at the Essex Market police court you were charged by a woman named Agnes Berthold with aiding and abetting her to procure an abortion, weren't you? A. Yes, sir.

Q. And on that charge you were arrested; you were arrested by the officer? A. Yes, sir.

Q. And you answered that you were not guilty? A. No, sir.

Q. What is your wife's name? A. Mary.

Q. Well, who is Frieda Kursch? A. I don't know.

Mr. Goff.— Oh, it is Karsch. It is another case. It is Kusch.

Q. Now, in this case this woman, Agnes Berthold, made an affidavit that you advised her and that you supplied her and sent her to some person to get a drug that would produce a miscarriage; you remember that? A. Yes, sir.

Q. You took the stand; you testified in your own behalf there, did you not? A. Yes, sir.

Q. So far as this woman was concerned, and I want to read some questions and answers from you in the Police Court; you were asked in the Police Court while you were under oath; "Q. Did you ever have sexual connection with this girl, Agnes Ber-

thold?" and you answered, "No, sir;" that was true, and is true?  
A. Yes, sir.

Q. You never had sexual connection with this Agnes Berthold? A. No.

Q. This woman that accused you of trying to aid and procure a miscarriage or abortion? A. No.

Q. You were asked, "Did you ever see the complainant till the present day from the time she left your house?" and you answered, "No, sir;" that was true? A. That is right.

Q. And the complaint was that you sent her, or advised her, or brought her to a doctor of the name of Dr. Whitehead for the purpose of having an abortion performed; isn't that true; that was the charge? A. Yes, sir.

Q. Did you ever see Dr. Whitehead? A. No, sir.

Q. Did you know anything about him up to that time? A. No, sir.

Q. Did you ever bring any woman to him to have an abortion performed on her? A. No, sir.

Q. Is Dr. Whitehead in court? (Dr. Whitehead stands up.) You see that gentleman? A. Yes, sir.

Q. That is Dr. Whitehead; you saw him in the Police Court, did you not? A. Yes, sir.

Q. Did you ever send a woman, or go with a woman, or advise a woman to go to Dr. Whitehead to have an abortion performed on her? A. No, sir.

Q. And you never suggested or told this Agnes Berthold to go there? A. No, sir.

Q. And you had nothing at all to do with her if she was in the family way? A. No, sir.

Q. You were not the cause of it? A. No, sir.

Q. You swear you never had had sexual connection with her? A. No, sir.

Q. What became of your case; what did the judge do with it? It went off, I guess, 15 or 20 times down there.

Q. About 15 or 20 times it went off? A. Yes, sir.

Q. How long a time did it cover? A. From March to September, until the 4th of September.

Q. The 4th of September, last year; what was done with it then? A. Of this year.

Q. I should say this year; 4th of last September, I mean; what was done with it then? A. The last time I went down to the Tombs, and my lawyer told me I need not come down any more.

Q. Who was your lawyer? A. Mr. Gottlieb.  
Mr. Goff.— That is all.

Mary Kusch, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. You are the wife of the last witness, Mr. Kusch? A. Yes, sir.

Q. You were sworn in the Essex Market Police Court when a charge was made against him? A. Yes, sir.

Q. What did you testify to there, do you remember? A. Yes.

Q. Tell us, please, as nearly as you can recollect? A. That that girl never was sick at the house.

Q. That is, that Agnes Berthold was never sick at your house? A. She was never sick at the house, or that she never went to any doctor; but she went to look for an association so that she was put in the paper from our house; she came to us because she didn't have any work.

Q. Didn't have any work? A. No work.

Q. Was she a servant in your family for a time? A. No; I got acquainted with her.

Q. She claimed she was sick in your house; this Agnes Berthold claimed in the court she was sick in your house? A. Yes, sir.

Q. And you swore that was not true? A. Yes.

Q. And was it not true? A. It was not true.

Q. She claimed she was sick after having taken some drugs to produce a miscarriage, that she was sick in your house, isn't that so. A. Yes.

Q. Was that true? A. No.

Q. That was wholly untrue? A. Yes.

Mr. Goff.— That will do Mrs. Kusch. Mrs. Moebus.

Honora Moebus, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Martin Van Renn was called and sworn as an interpreter, through whom the witness was examined.

Mr. Goff.— Van Renn, just give her answers as if she was speaking in the first person.

Q. Are you the mother of Mr. Kusch who was on the witness stand? A. Yes.

Q. Do you remember when your son was tried for crime to procure a miscarriage upon Miss Agnes Berthold? A. She was not sick.

Q. Do you know Agnes Berthold? A. Yes.

Q. Did you ever go with her to Dr. Whitehead's office? A. No, sir.

Q. Do you see Dr. Whitehead here, this gentleman? A. In the Essex court; in the Essex court I saw Dr. Whitehead the first time.

Q. You never went with this girl to Dr. Whitehead's office? A. I never went to Dr. Whitehead's office.

Q. Did you ever give this girl any drugs or medicine to produce a miscarriage? A. No; never.

Q. The whole charge was false? A. That was always false; she never was sick in the house; she came to my house to look for her position.

Q. You never advised her to go to Dr. Whitehead or any other place to get medicine to produce a miscarriage; did you? A. No, sir; never.

Dr. Newton Whitehead, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Mr. Goff.—Mrs. Kusch and Mrs. Moebus you may go. Mr. Kusch you may come back after recess; but your mother and wife may go. Now, Senators, can we have a recess, or will we go right on, because the examination of this witness will take sometime.

The Chairman (Pound).—If you desire a recess we will suspend until half-past 2.

Mr. Goff.—We will take a recess, and before we adjourn will you please notify all witnesses to be here promptly at half-past 2 o'clock.

The Chairman (Pound).—Mr. Goff, the committee is of the opinion that if we can get through with the day's work in a short time—about half an hour or so, we would continue in session and finish it all up in a single session, if not, we will take a recess until half-past 2.

Mr. Goff.—If we go on now we could not get through before 3 o'clock; it would take an hour and a half at the very least.

The Chairman.—That probably is too long to wait. The committee will take a recess until half-past 2, at which time all witnesses will be present in this court-room.



## AFTERNOON SESSION.

November 3, 1894.

Present.—Senators and counsel as before. Senator Pound in the chair.

Mr. Goff.—Are you Mrs. Werner?

Mrs. Werner.—Yes, sir.

Mr. Goff.—Come here. This poor woman, Mr. Pound and Senators, who just came here is the wife of the witness who was before the committee, Karl Werner, and has been before this committee already in regard to the great trouble he experienced of having bail accepted on the charge of having attempted to bribe the policemen with a \$5 bill, and after a long time she succeeded in getting bail and had to pay \$100 for the bail. He could only raise \$95 for the bail, and his wife has just been here and told me that because he could not raise the other \$5 immediately he has been surrendered this afternoon and is in the Tombs prison again. Of course we can not do anything in the matter, but it is simply another of the many instances of the terrible reign of terrorism.

The Chairman.—This was the case where one of the professional bondsmen wanted \$100 to go on the bond?

Mr. Goff.—He did, and got \$95, and because the other \$5 was not forthcoming to-day the unfortunate man was surrendered again.

The Chairman.—And he has lost his \$95?

Mr. Goff.—Oh, yes.

The Chairman.—It don't seem possible that such things can continue forever in this city.

Mr. Goff.—The poor woman comes to this committee and asks if she can not get some help, as he has just been taken to the Tombs, and I told her we can not do anything in that particular case to furnish a bondsman to go bail. It was an unfortunate condition. I sent a letter to-day to Commissioner Sheehan, and also to Mr. Grant, his counsel, requesting Mr. Sheehan to come here and to answer one or two questions which, in my opinion, was proper to have upon the record. Mr. Grant has told me that he has sent for him all over, but he can not find him to-day. Of course, the commissioner did not expect to be called upon, and we did not expect and did not intend to call

upon him for further examination. Mr. Grant is here, and, as his counsel, is ready to make the concession that such questions were asked the witness for the time being, however, we may consider it taken. Of course, when the committee reconvenes we may have Mr. Sheehan's positive answers to the questions, but for the present I think it would be wise to take his concessions as Mr. Sheehan's counsel on the record in the form of questions. I would ask Mr. Louis J. Grant, the attorney and counselor-at-law, who has already appeared before this committee and asked for permission to act as counsel for Mr. John C. Sheehan, the police commissioner. May I ask Mr. Grant, if he is yet his counsel?

Mr. Grant.— I am; yes, sir.

Mr. Goff.— And you are prepared, Mr. Grant, to place upon the records, and you have authority from your client to place upon the record, the answers to the following questions?

Mr. Grant.— I understand, Mr. Goff, that you wish it to appear on the records that the refusal of Commissioner Sheehan to hand over his bank-book for the examination of this committee or the committee's counsel, that he does not put the refusal to do that on the ground that it would tend to criminate or degrade him.

Mr. Goff.— Or to convict him of a crime.

Mr. Grant.— Or to convict him of a crime.

Mr. Goff.— Those were the simple questions I wanted to ask the commissioner, so if any question of law arose we should not have any technicalities.

Mr. Grant.— I am willing to state that as counsel of Commissioner Sheehan that he did not and does not place his refusal to produce his books on that ground, that it would tend to disgrace, criminate or convict him of a crime, and that the only reason that he did refuse to produce those books were the reasons which were set forth fully in the statement which is on the record.

Mr. Goff.— That is all.

The Chairman (Pound).— I take it that would be assumed as a matter of fact, but it is well to have it specially stated on the records.

Mr. Goff.— You have authority from your client to make that statement?

Mr. Grant.— Yes; I have authority from Commissioner Sheehan.

Dr. Newton Whitehead, recalled and examined by Mr. Goff, testified as follows: :

Q. What is your profession? A. I am a physician.

Q. Where have you resided? A. At 218 East Forty-eighth street, this city. :

Q. How long have you resided there? A. About six years and a half. :

Q. How long have you resided in New York? A. About 29 years. :

Q. Have you ever been arrested, Doctor? A. Yes, sir.

Q. Have you ever been in prison? A. Yes, sir.

Q. Where? A. At police headquarters.

Q. In this city? A. This city. :

Q. Have you ever been convicted? A. Yes, sir.

Q. Of what offense? A. I have never found that out yet.

By Senator Pound: :

Q. What was the charge against you, on which you were convicted?

By Mr. Goff:

Q. What was the record? A. Illegally using the mails; it was a United States case. :

Q. In the Federal courts? A. Federal courts.

Q. Have you made a specialty of any particular branch of your profession? A. Diseases of females. :

Q. And you have lectured in medical colleges upon that subject or branch of the profession? A. No, sir.

Q. This charge that was made against you in the Federal courts was that you had used the mails for improper purposes? A. Yes, sir; it must have been. :

Q. Well, were those purposes connected with your profession in any way? A. I think not. :

Q. How many times have you been arrested in New York city? A. Four.

Q. Outside of the case in the Federal courts now; let that go now? A. Four. :

Q. You have been arrested four times? A. Yes, sir; I remember at the present time.

Q. Upon what charges have you been arrested? A. For producing abortions — usually — always.

Q. Have you ever been convicted on any of the charges on which you have been arrested? A. No, sir; never.

Q. Have you ever been tried? A. Never.

Q. What period of time has been covered by the four arrests?  
A. Three years, I think, about three years.

Q. Within the last three years? A. Yes, sir; three of them was within six weeks.

Q. Three arrests within three weeks? A. Yes, sir.

Q. Not within the past six weeks? A. No, sir.

Q. But within a period of six weeks? A. Within a period of six weeks.

Q. When was that period? A. I have got the dates if you will allow me to read them.

Q. All right, read them? A. The first was February 24, 1894.

Q. February, what date? A. February 24, 1894.

Q. That was the first of those three arrests? A. Yes, sir.

Q. How long before that—can you tell us when you were first arrested within a period of three years? A. About two years before that, for writing a certificate for a dead person that was not correct, and they found it was correct afterward and threw it out.

Q. That was not charging abortion? A. Well, no; but you might as well pass it in there.

Q. It was connected with that? A. Yes, sir; it was.

Q. With some person alleged to have died from malpractice?  
A. A person died from malpractice, and I wrote the death certificate, and they said it was not a proper one and they examined it and found it was a proper one, and that was all said about it.

Q. When was the second arrest? A. On February 24, 1894.

Q. You were not arrested from the first case; were you arrested for filing a false certificate until you were arrested in February, 1894; were you? A. No; it was three years ago last February, the first case.

Q. And you went along in the practice of your profession?  
A. Yes.

Q. Undisturbed and uninterfered with in this city? A. Yes.

Q. Now, about this charge upon which you were arrested in February, 1894; what was that charge? A. I was charged with having produced abortion on a girl by the name of Miss Foos.

Q. Who made the charge? A. Miss Foos.

Q. Herself? A. Backed up by a scoundrel at headquarters by the name of Sergeant Frink.

Q. Is he the detective sergeant? A. Yes, sir.

Q. Is Sergeant Frink in the court-room? (No reply.)

Mr. Goff.—He has been here under subpoenas. I want witnesses to be here when they are called upon, not to suit their own convenience.

The Witness.—I have understood that one of the sergeants was taken sick immediately he was subpoenaed on this case — Sergeant O'Toole.

Q. Well, we will deal with that, doctor, when we reach it; when did you learn that? A. In this court-room.

Q. To-day? A. Yes, sir.

Q. Well, where were you when you were arrested in February, 1894? A. At No. 218 East Forty-eighth street.

Q. That was your residence? A. Yes, sir; that was my residence then.

Q. Who executed the warrant? A. Sergeant Frink and Murphy.

Q. From the Central office? A. From the Central office.

Q. What occurred when they presented themselves? A. They came to my house on Saturday at noon-day; they were quite friendly toward me and took me to police headquarters; on the way down I was in charge of Frink; Murphy had disappeared; I saw him no more; and on the way down he insisted that I should take a lawyer — Friend.

Q. Is that Emanuel Friend? A. Emanuel Friend.

Q. Is that the gentleman in court here? A. If he stands up; I can not see him.

Q. You can see Mr. Friend without that? A. Oh, yes; the gentleman over there; I wanted Howe & Hummell, but Mr. Frink said that Howe & Hummell was played out now and was no good, and that Lawyer Friend was the best lawyer in the city; he was mistaken about that.

Q. Never mind, doctor? A. And that Friend was in with the people at the courts and at headquarters.

Q. Friend was in with the people at the courts and at headquarters? A. And at headquarters, and I therefore took Friend; Friend agreed to discharge the case —

Q. Wait a while; where was it that Frink told you that? A. Coming down on a train; the elevated train from Forty-seventh street station to Houston street.

Q. What time of the day or night was it? A. About 12 o'clock at noon.

Q. In the day? A. Yes, sir.

Q. When you got down to police headquarters, you say you took Mr. Friend; when first did you see Mr. Friend, after this conversation with Frink? A. About 5 o'clock in the evening.

Q. In the meantime, were you locked up in police headquarters? A. Well, yes.

Q. You were detained as a prisoner there? A. I was detained as a prisoner there; yes, sir.

Q. Did you send for Mr. Friend? A. I had to.

Q. Who told you? A. Sergeant Frink.

Q. Did you authorize Frink to go for Mr. Friend? A. I had to.

Q. And you did? A. I did.

Q. And Mr. Friend attended you? A. Mr. Friend defended me; yes, sir.

Q. He attended you at police headquarters that evening? A. Yes, sir; it might have been 6 o'clock; it was along in the evening.

Q. Well, now, let us follow this thing in the course of the happenings as they occurred; were you acquainted with Mr. Friend before that? A. Never.

Q. Had you ever seen him? A. Never.

Q. Can you relate to us the conversation that occurred between yourself and Mr. Friend at police headquarters when he **first visited you on the evening in question?** A. He was introduced to me by the doorman.

Q. At police headquarters? A. At police headquarters; the jail doorman; there may be two or three doormen for all I know.

Q. Proceed, doctor? A. Yes, sir; we talked the case over, and he made lightly of it at first; then he said that for \$500 that he would see that I was discharged and turned out on the next day, which would be Sunday morning; and I gave him a check on the Second National Bank of this city for \$500; I dated the check on the 26th, which would be Monday.

Q. Now, just wait a while; I hand you a check of the date of February 26, 1894? A. That was the agreement we made, and I was taken over to Jefferson Market court before Judge Ryan, and that was on Sunday morning, and Sunday morning I wrote a check dating it for the next day, which would be Monday the 26th.

Q. Well, now, did Mr. Friend, in his conversation with you, say anything as to the appropriation of this \$500, or what was it for? A. It comes in later on.

Q. At that time, did he say anything? A. It comes in later on.

Q. At that time, did he say anything? A. No.

Q. He simply said for \$500 he would have you discharged? A. Yes, sir.

Q. When he said that, did you, or had you made him aware of the charge against you? A. Yes, sir.

Q. Now, I hand you a check, dated February 26, 1894, and ask you if that is the check you gave to Mr. Friend? A. That is the check; yes, sir.

Q. This check was drawn upon your bank? A. Yes, sir.

Q. You had an account in the Second National Bank? A. Yes, sir.

Q. And this check came back to you, you observe, charged to your account? A. Yes, sir.

Q. In the regular banking business? A. Yes, sir.

Q. And that amount of money was drawn out of your deposit in that bank? A. Yes, sir.

Q. "No. 750, New York, February 26, 1894. Second National Bank. Pay to the order of Friend & House, Five hundred dollars (\$500) Newton Whitehead." The check is certified and endorsed "For deposit, Friend & House." Mark that in evidence.

(Check marked Exhibit 1, November 3, 1894, L. W. H.)

Q. Well, you drew the check on Sunday? A. Yes, sir.

Q. When you were brought over to the Jefferson Market court? A. Yes, sir; later than that, sir; it was after I was out of the court I wrote the check.

Q. Now, let us get when you were in the court, doctor; what took place there? A. We waited about an hour for the judge to appear; and in the meantime Mr. Frink — the Sergeant Frink — and I went into a small room that is off, something like as though it would be off in that corner, called an ante-room; and Mr. Frink had a conversation with me about the case, and said that it was a very bad one; and he said to me, "In all these cases, doctor, we expect to have some money off from them."

Q. In all these cases? A. In all these cases; meaning that class of cases, I suppose.

Q. Meaning the abortion cases? A. Yes, sir; and he said that if I would pay him \$500 that he would guarantee that the case would be dismissed when called, which it was called in—

Q. Now wait awhile; what did you say to him when he told you that in all these cases they expected to have money and

that for \$500 your case would be dismissed; what did you say to him? A. I wanted to know if that would be the end of it, and he said that it would; that would be all there was to it.

Q. Well, what agreement, if any, was reached between yourself and Frink? A. After I had agreed to pay him the money—

Q. Did you agree to pay him the money? A. I did.

Q. Was it stated when you should pay him the money, or how? A. Yes; I had a check with me then, and offered to make it out, but he would not receive it.

Q. Why wouldn't he receive it; did he give a reason? A. I don't know; you will have to ask him that.

Q. Did he say he would not receive it? A. He said he would not take a check but that he wanted the money, and he said your case will be called and set down for a time and that he would see me again; and I was to bring him the \$500 when the case would be set down for hearing, and pay him in cash, but they took no checks, that is, he would take no checks.

Q. Well, now that was while you was waiting for the judge? A. Yes, sir.

Q. When the judge arrived what took place? A. Well, the lady who made a charge was called.

Q. This Foos? A. Foos; and she stated how that she did not know that she was pregnant and that she went to my house to be treated by me for general debility, and that I put her in a sanitarium, and treated her for her general debility for a week, and that during this time, this week, she had had a miscarriage at No. 277 East Tenth street in a midwife's house, a miscarriage of six months, and that they burned the body up.

Q. That case created some notoriety at that time? A. Yes, sir.

Q. That midwife? A. Yes, sir.

Q. Her name was Mrs. Stuvenvohl, No. 277 East Tenth street? A. Yes, sir.

Q. She was recognized as a professional abortionist? A. It is advertised so in the papers, you can see her advertisement in the German papers which will give her correct name.

Q. No. 277 East Tenth street; but she was recognized as a professional abortionist, wasn't she? A. Yes, sir.

Q. And you stated that this Miss Foos, or Mrs. Foos, that she stated that she had been delivered of a child or of a foetus or whatever you may designate it, or five months old? A. Si~~x~~.



Q. And that it was born? A. Yes, sir.

Q. Were there any proceedings taken in relation to that matter? A. I called Seageant Frink's attention to it at the time.

Q. What did you say to him, doctor? A. I asked him why he did not arrest the midwife.

Q. This Mrs. Stuvenvohl? A. Yes; he said he had no right to arrest her; the next time I saw him I showed him the law of that point, which is on our death certificates, stating that no person in the city of New York has any right to dispose of, conceal or do away with any dead body in the city of New York; his remark was that she did not have any money and was not worth bothering with, and that he would not give her any trouble, and that I had better let it alone.

Q. Did you hear Miss Foos make this statement herself? A. Yes, sir.

Q. Where did she make that statement touching this midwife, in East Tenth street? A. She made it on the second day of March, 1894, before Police Justice Ryan, of this city, at Jefferson Market Court.

Q. In open court? A. Yes, sir.

Q. Who was present beside the justice? A. Well, I suppose 100 or 200 people — Sunday morning.

Q. You were present for one? A. Yes, sir.

Q. Frink was present for another? A. Yes, sir.

Q. Was Mr. Friend present? A. Yes, sir.

Q. And — A. And Murphy.

Q. And Detective Murphy? A. Yes, sir.

Q. And other persons around the police bench? A. Yes, sir.

Q. Where did you have the conversation with Frink that you have just recited? A. On the corner of Tenth street, Stewart's corner, Fourth avenue.

Q. Tenth street and Fourth avenue? A. Yes, sir.

Q. Was that on the same day? A. No, sir.

Q. How shortly after? A. It might have been a week; I did not put it down; I thought it was immaterial.

Q. Now, I ask you to step back to the first Sunday morning to the Jefferson Market Police Court, when you say you agreed to give \$500 to Frink. A. Yes, sir.

Q. Now, when the judge arrived what took place? A. This Miss Foos was there, and my lawyer and others; the case was

called, and it was set down for March 2d, and I was put under \$2,000 bail; that is about all.

Q. Was Miss Foos examined that morning; that first Sunday morning we are speaking of? A. To the best of my judgment; no.

Q. Who went bail for you; you say you were put under \$2,000 bail? A. I don't know; Mr. Friend furnished the bonds.

Q. Had you to pay any consideration for the bonds? A. It was all included in the \$500 which I gave him.

Q. Was that the understanding with him when he said he would charge \$500, that he would get your bail? A. Yes, sir; all the way through the case; he said that he would settle everything; \$500 would furnish bonds and everything connected with the case.

Q. So you did not know who went bonds for you; who went bail for you? A. No, sir.

Q. Do you know to this day? A. No, sir.

Q. The only thing you know about it is that you were bailed out? A. Yes, sir.

Q. In the sum of \$2,000? A. Yes, sir; I signed the paper myself there.

Q. Well, yes; of course; now, you said you agreed to give Frink \$500; was it in Jefferson Market Police Court that you made out the check that you have identified? A. No, sir.

Q. Where was it? A. At the corner of Eleventh street and University place, this city.

Q. Was that after you were discharged? A. On Sunday morning; yes, sir.

Q. After you were discharged? A. Yes, sir.

Q. On bail, I should say? A. Yes, sir.

Q. Well, after you were discharged, did you go with your counsel, Mr. Friend, to this place, Eleventh street and University place? A. Detective-Sergeant Murphy and Sergeant Frink and Mr. Friend and myself went to this place on University place, and we had dinner and liquor there; that is, the rest of them had liquor; I do not drink myself; they had liquor, and I took coffee.

Q. Was it at that sitting that you gave the check that you have just identified? A. Yes, sir.

Q. You drew the check out? A. I drew two then.

Q. You drew two checks? A. Yes.

Q. What became of the other check? A. Well, it went to Mr. Friend; I think you have the check there with you.

Q. I haven't another check in February, doctor? A. Oh! we went into this saloon, or restaurant, or hotel, whatever it was, and we had breakfast and drinks, as I have said; and Sergeant Frink remarked to me, that that was a very nice place; he said he knew the proprietor, and he said, "Doctor, this would be a very nice place if you ever wanted to run a young girl in here, upstairs; it would be all right; nothing would be said;" I told him I had no use for that purpose; I think that was pretty much all at that saloon. '

Q. But you spoke about a second check, doctor, at that saloon? A. That was given on March 2d; that second check was.

Q. You drew the one check in that saloon? A. One check.

Q. That was the check to Mr. Friend? A. That was a check to Mr. Friend.

Q. How about the \$500 you promised to give to Frink? A. Before the judge came there, that morning, that agreement was made; and on March 2d—the case was down for March 2d; and when I went to court, I met Sergeant Frink; he was on the lookout for me; I went to the bank in the first place from my house, and drew the money all in \$10-notes, and when I got to the Jefferson Market court, Mr. Frink saw me, and had a conversation on the corner a minute or two, and said, "Let us walk around behind the building;" it is a kind of rounding—the wall is a round—it is not a square wall, but it leads back of the Jefferson Market from the Sixth avenue; there seems to be a little street running down, which seems to turn like my spectacles, and goes, I suppose, into Greenwich avenue, and when he was back of that he wanted to know if I had the money with me, and I said "Yes;" and he told me to give it to him; and I had it in my pants' pocket, and handed it to him, and he said, "You go around back the way you came, and I will go the other way, so we shant be seen too much together, and go into court;" and I did so. '

Q. On your way to court that morning, you drew that from the bank, you say? A. Yes. '

Q. In \$10-bills? A. Yes.

Q. Remembering at the time that you drew that check, you knew that he could not take checks? A. Money:

Q. I hand you a check of March 2d, and ask you if that is the check on which you drew the \$500, of which you have just testified? A. That is the check, sir.

Q. Payable to the order of yourself? A. Yes, sir.

Q. Check, "No. 751, New York, March 2, 1894, Second National Bank, pay to self or order, Five hundred dollars (\$500); Newton Whitehead;" indorsed, "Newton Whitehead;" this check went through the ordinary bank business? A. Yes, sir.

Q. Returned to you as a returned voucher from the bank? A. Yes, sir.

Q. I see a pencil memorandum on the back here, "Paid Frink, Jefferson Market;" when did you make that? A. I made that just as quick as I got it from the bank.

Q. From the bank? A. Yes.

Q. That is, you made the memorandum? A. So I would know what check that was.

Q. So you would know the purpose of that check? A. Yes, sir.

Q. After Frink and you separated — mark that in evidence. (Check marked in evidence, Exhibit 2, November 3, 1894, L. W. H.)

Q. After you and Frink separated, did you meet again? A. In the court-room; yes, sir.

Q. In the court-room? A. Yes, sir.

Q. What took place when you went in the court-room? A. Well, many things transpired; I had to wait about three hours for the judge to appear.

Q. Did you see your counsel there, Mr. Friend? A. I saw Mr. Friend there; yes, sir.

Q. Well, among the many things that transpired, did any conversation take place between yourself and Frink and Mr. Friend? A. Yes; he told me the case would be dismissed.

Q. Who told you? A. Sergeant Frink; that the case would be dismissed just as quick as the judge came.

Q. Well, the judge came in about three hours, you say? A. Yes, sir.

Q. Was the Foos woman there? A. Yes, sir.

Q. What took place? A. Well, there was a little something took place before that between myself and Mr. Friend, my counsel.

Q. State what took place? A. He wanted \$200 more; he said he wanted \$200 more, and I gave it to him; and he told me — I said to him — I protested in the first place; and he told me that he thought he ought to have it on account of the bondsmen which he had furnished; I told him that I had paid him for that already; "Well," he said, "Doctor, I would not make a kick for \$200; it is only a small matter;" he says,

"I don't get this money myself; I have to turn over 50 per cent. of it to the police;" that is the way he gets his cases.

Q. What did you do on this demand? A. I gave him a check for \$200.

Q. Did you draw the check there? A. I drew it in this little ante-room which I spoke of.

Q. Off the court-room? A. Yes, sir.

Q. Now, I hand you a check, dated March 2, 1894, and ask you if that is the check? A. That is the check; yes, sir.

Q. I read this check: "No. 749. New York, March 2d, 1894. Second National Bank. Pay to Friend & House, or order, Two hundred dollars, \$200. Newton Whitehead." Check certified by the bank, and indorsed, "Friend & House;" this check went through your bank? A. Yes, sir.

Q. And was returned to you, and the voucher? A. Yes, sir.

Q. And the money represented by this check was drawn from your account in the bank? A. Yes, sir.

(The check is offered in evidence, and marked Exhibit 3, November 3, 1894, L. W. II.)

Q. After you gave Mr. Friend this check of \$200, what took place next? A. Nothing of any importance, until the judge arrived.

Q. Well, when the judge arrived? A. Well, the Foos woman was there in court, and she swore that she went to my office for treatment, and that she was treated by me for general debility, which we have gone over, and that she did not know that she was in the family way when she came to me; that she did go to the doctor because she was feeling poorly, and that the doctor told her that she ought to go to one of his sanitariums and be treated there; and that she did go in the latter part or about the 23d day of November, 1893; that she did remain at one of his sanitariums, 239 West Thirty-eighth street, or thereabouts, and that a nurse, called Ella, did tell her that she had had a miscarriage; that on or about January 10, 1894, she was passing an abortionist establishment on East Tenth street in this city, and that she did go into this woman's place and that she did have a miscarriage of six months and that the Madam did burn the child up; I saw Sergeant Frink and insisted that the midwife should be arrested for not reporting this case to the board of health; and also that it was a crime to conceal, or burn, or destroy a human body in this State. He, Frink, said, "Oh, well,

doctor, don't say anything about that; let it all drop;" he further told me that he knew the man who got the girl in trouble and that he was a married man, but he had no money, and that he would get that man in trouble; that man lives about 31 Bowery; I have ascertained that since.

Q. Well, after this Foos woman gave this testimony before the police magistrate, did anything further take place? A. The judge discharged me.

Q. What? A. The judge discharged me.

Q. The judge discharged you?

Q. That was the end of that case? A. Yes, sir; it could not be otherwise.

Q. And that is the last you heard of the Foos case? A. Yes, sir.

Q. When were you next arrested? A. On March 23, 1894, at 218 East Forty-eighth street in this city.

Q. Who arrested you? A. I don't know; I called the gentleman Sepulcro; he looked like a fellow just crawled out of the Tomb, a sergeant of police at headquarters, a tall man; Mr. Friend san supply the name if he will.

Q. You don't know his name? A. No, sir.

Q. What time, day or night, was it he arrested you? A. There were two of them; this gentleman and his partner; it was arrested about 5 o'clock in the afternoon.

Q. On what charge? A. On the charge of giving information, or stating that the woman who was the proper case to have a miscarriage produced on her or abortion, could have it done. who made the charge? A. Benia Jayne.

Q. Where were you taken on that warrant? A. I was taken to police headquarters.

Q. Who issued the warrant? A. Judge Koch.

Q. Well, did you have any conversation with the officers on your way to police headquarters? A. Yes, sir.

Q. And do you remember that conversation? A. No, sir; it was nothing of any importance whatever; they said nothing to me about any money or approached me in no way whatever.

Q. When you were brought to police headquarters what took place at police headquarters? A. I was taken before the sergeant at the desk and my pedigree was taken, and then I saw Inspector McLaughlin, and after that I asked him why I was arrested on the charge, and he didn't know much about it,

and I was locked up; in fact, I do not remember the conversation with McLaughlin; it wasn't anything important at all, and amounted to nothing.

Q. While you were locked up—did anything take place, while you were locked up? A. Yes, sir.

Q. That was on Saturday? A. No; it was on March 23, this year; I went to court the next morning, so it could not very well have been Saturday.

Q. However, what took place when you were locked up? A. I was locked up about four hours; and Mr. Frink—Sergeant Frink—came to me—

Q. While you were in the cell? A. Yes, sir; while I was at headquarters Frink saw me and said to me—I was taken out of that cell into a large open space that is, oh, three times as large as this room I should think; and I had a long conversation with Frink there; he wanted to know—by the way, he was going to get me Mr. Friend also.

Q. Did he mention Mr. Friend to you, or did you mention Mr. Friend to him? A. He mentioned it to me.

Q. What did he say? A. He said that the case would not amount to anything, and that he would get Lawyer Friend for me, and he guessed I would be turned right out within two or three hours; in fact he vouched for that; then he wanted to know if I could not get Doctor Hawker to take Friend.

Q. Is Dr. Hawker in court; is Dr. Hawker here; he is subpoenaed.

The Chairman (Pound).—It may be necessary to make an example of some of those witnesses who do not respond to subpoenas.

Mr. Goff.—Yes; Dr. Hawker. He was here yesterday.

Q. Well, proceed. A. He wanted to know if I could not get Hawker to take Friend for his counsel; I told him I thought I could if I had a chance to talk with him; he said he would give me all the chance I wanted.

Q. You spoke to me about the notes you made at the time of this thing; I would rather if you could testify without reading literally from your notes. A. There is so much of it I don't know how I could retain it.

Q. Testify as much as you possibly can. A. He wanted to know if I could not get Friend for his counsel—for Hawker's counsel, and I told him I thought I could; and I was taken out of the jail, and was there about an hour I think together talking different matters in that hall; and then I was put in—

side of the first door where you go in where the prisoners are kept, and then there are cells from that, there are four cells where they keep the prisoners — pigeon holes.

Q. Are those at police headquarters? A. This was at police headquarters.

Q. What was Hawker charged with? A. He was charged with selling medicines to produce abortion.

Q. Was he under arrest at that time? A. Yes, sir.

Q. And in one of the cells? A. In one of the cells, the first one as you go in from the door.

Q. Now, you say you were out in this open space; with whom were you? A. With Sergeant Frink.

Q. And any other person? A. No.

Q. After you went into your cell again? A. I did not go in.

Q. What took place after you left this open space that you described? A. I was put in this corridor, I suppose you might term it, where the cells lead off from, and Hawker was in the first cell, and he told me if Hawker would take Mr. Friend for his counsel that it would be all right, and he would make something out of it.

Q. Who would make something out of it? A. Frink.

Q. Frink would? A. Yes, sir; and if he would not take him — there was an iron door where I was locked in where there was other prisoners also; and I was to knock at this door when Hawker had consented to take counsel; Hawker thought best to take Howe, and I told him the sergeant thought it best he should take — oh, by the way, before I went in there Mr. Frink told me that he had sent for Mr. Friend and he would be there in a few moments; I asked him how he could get there so quickly without his knowing it; he says, Mr. Friend has got a telephone directly from his house to police headquarters, so we inform him at once of all these cases, and he is our lawyer — the police lawyer.

Q. Yes. A. Then I went in this corridor, or in this inclosure and talked to Hawker about the case; and he consented to take Lawyer Friend, and I knocked on the door and they opened it; I went out again and told Friend it was all right, and he came in, and Hawker said, "Yes, that is all right;" he said, "You send Lawyer Friend to me for my counsel."

Q. Was that the first time you saw Friend there? A. Yes, sir.

Q. Had you sent for him? A. No, sir.



Q. I mean the first time that you saw him in this particular connection of that second arrest? A. No, sir; he came to me.

Q. You told him, you say, it was all right for Hawker, or with Hawker? A. Yes, sir.

Q. What took place after that? A. Well, I was locked up about an hour, and then I was taken upstairs where the sergeant's desk is, and was told I was bailed out, and to go home.

Q. Did you know who bailed you out? A. No, sir.

Q. Do you know now who bailed you out? A. No, sir.

Q. Had you to pay any money for being bailed out? A. Yes, sir.

Q. How much? A. That I can not state.

Q. Why? A. There was nothing said about it; the next day when I was taken to the court, in the Harlem court, I was again held on the very same charge, and I had to be rebailed over again, so the counsel told me, and for that he said he wanted \$325.

Q. Well, what did you say? A. Well, I had to say I would give it to him.

Q. Did you give him a check? A. I gave him a check.

Q. I hand you a check, dated March 24, 1894, and ask you if that is the check? A. Yes, sir.

Mr. Goff.—“New York, March 24, 1894, Second National Bank, pay to the order of bearer, Three hundred and twenty-five dollars (\$325), Newton Whitehead.” It appears from the teller's stamp on this check that it was paid out in cash.

(Check marked Exhibit 4, November 3, 1894, L. W. H.)

The Witness.—The teller began to know him at that time.

Q. This check is not indorsed.

By Senator Bradley:

Q. Didn't you think he was a very dear friend? A. Well, it seems he was wrongly named; the reason why that check was made out payable to the bearer is because he absolutely refused to receive any more checks, said he wanted cash.

Q. Were you about to write his name? A. I was going to write Friend & House, and he said, “Don't do that, doctor; I don't want any more checks; give me the money;” I told him I hadn't money in my pocket, only checks; and he said, “Make it to bearer.”

Q. This check went through in the ordinary course of business through your bank? A. Yes, sir.

Q. I find a memorandum on the back of this check "Emanuel Friend and House;" when did you make that memorandum? A. After I got it out of the bank with the vouchers.

Q. Well, now, this was in a Harlem police court? A. Well, I don't know — Fifty-seventh street.

Q. And before what judge? A. Judge Koch.

Q. What took place there outside of what you have related? A. Well, I was held — the case was postponed for three or four days, or four or five days by Koch.

Q. Did you know who went bail for you at that time? A. No, sir.

Q. Was the complainant there? A. Yes, sir.

Q. This Jayne, who was at one time in the secret service of the Federal government, wasn't he, or some way connected with it? A. Yes, sir.

Q. A sort of private detective? A. I have read his pedigree in the paper and it is not any too savory.

Q. Was there any other evidence presented to the magistrate, Justice Koch, at the Fifty-seventh street court, except the affidavit or information of Jayne? A. That was all; in fact there was not anything said there that morning; the judge said, "I hold this case for a certain day," that he named, being three or four days later.

Q. So that as a matter of fact the only complainant that appeared against you on the record at that time was this Jayne, a private detective? A. Yes, sir.

Q. And this complaint was against you on information and belief? A. No, direct; I believe he had his paramour there with him, a Miss Fox, a self-confessed mistress.

Q. Oh, Grace Fox? A. Yes.

Q. And was she the one you suggested having an abortion of? A. Yes, sir.

Q. Grace Fox did not make an affidavit, did she? A. Not that I know of.

Q. She was with him in the court? A. She was not with him; she was with another fellow that she confessed her guilt to, of the name of Britton.

Q. The case was adjourned, you said? A. Yes, sir; it was adjourned, and adjourned time and time again.

Q. And there was no proof brought against you? A. Not at any of those times; there was none until the last time.

Q. Did you pay any more money on account of that case? A. Yes, sir.

Q. To whom? A. To Mr. Friend.

Q. That is, after the \$325? A. Yes, sir.

Q. Now, I ask you, did you pay in court? A. Yes, sir.

Q. What did you pay in relation to that case? A. Well, there was a hearing down to Essex Market.

Q. That is, the judge that was presiding at Fifty-seventh Street Court, Judge Koch, he went down to Essex Market? A. Yes, sir.

Q. And, of course, the case before him in Fifty-seventh Street Court was continued in Essex Market? A. Yes, sir.

Q. Well, what took place at Essex Market? A. Jayne made his charge, and I was held to await the action of the grand jury; and Lawyer Friend said it would cost me \$150 more.

Q. What for? A. Well, blood money, I expect; I don't know; I have never been able to find out.

By Senator Bradley:

Q. Didn't he say what it was for? A. Well, no; he said he wanted \$150.

By Mr. Goff:

Q. Did you give him the \$150? A. Yes, sir.

Q. By check? A. No; he would not take any more; I had to give him money.

Q. Did you have the money to give him? A. No, sir; not at that time.

Q. Did you give him the money afterward? A. The next day.

Q. Did you draw a check for the money? A. No; he would not take any more checks.

Q. Did you, yourself, draw the money on a check? A. I disremember that.

Q. I hand you a check here, dated April 9, and ask you to look at that check? A. I paid him on the 10th of April anyway.

Q. There is a check, dated April 9th; see if that check will refresh your memory any? A. Yes, sir; I did.

Q. Is that the check upon which you drew the \$150? A. Yes, sir.

Q. This check, "New York, April 9, 1894. Second National Bank. Pay to the order of self, One hundred and fifty dollars,

**\$150. Newton Whitehead.** Teller's stamp, "Paid in cash;" indorsed, "Newton Whitehead;" this check is in the ordinary course of banking business, and was returned to you as a voucher? A. Yes.

Q. And the money it called for you drew out of the bank?  
A. Yes, sir.

Q. I find here a memorandum on the back of the check, "Friend & House;" when did you make that memorandum?

A. As quick as I got it from the bank in the returned vouchers.  
(Check marked Exhibit 4, November 3, 1894, L. W. H.)

By Senator Pound:

Q. These memoranda you have were original memoranda you made at the time? A. No; I put them all on pieces of paper, all together; and I transferred them here when I got the subpoena to appear before this court.

The Chairman (Pound).—Perhaps you do not understand that the rule is that the witness must testify from his memory, and if you need those memoranda to refresh your recollection you may be permitted to use them to that extent, but do not testify from that paper that you have before you, testify from your recollection, and if you are unable to answer from your recollection the question that Mr. Goff may put to you, then you may refresh your recollection from these copies of original memoranda; but do not read them as testimony; that has a bad appearance.

The Witness.—I only refer to the dates; that alone.

The Chairman (Pound).—It is entirely permissible to use memoranda to refresh his memory; but I do not wish to see him use his paper here more than necessary.

Mr. Goff.—You understand what Senator Pound says, not to testify from your memoranda unless your memory fails you, and if your memory fails you, you have a right to refresh your memory by reference to the memoranda.

Q. Now, this case of Jayne, in connection with Grace Fox, you say was adjourned very frequently? A. Yes, sir.

Q. Did you pay out any more money in connection with that case than the \$150? A. That was the last.

Q. That was the last money? A. Yes, sir.

Q. Well was there any hearing in that case; I mean an examination of witnesses before you? A. On the 9th of April; yes, sir.

Q. What was done on the 9th of April? A. I was arrested over again before the 9th of April, on the 7th.

Q. Well, tell us what was done with the case we call Grace Fox's? A. That ended there on the 9th.

Q. What disposition was made there? A. I was held by the grand jury.

Q. And was the woman Fox examined? A. Yes, sir.

Q. Were you examined? A. No, sir; I have never been examined in a case in my life.

Q. Was there any one charged with you in connection with the Grace Fox business? A. No one.

Q. Do you know who Mrs. Frieda Kusch is, or did you ever hear of her? A. I have heard of her, yes.

Q. In connection with the Grace Fox case? A. There were seven or eight people arrested, lots of them, different people in the city of New York.

Q. There was a regular raid on the abortionists on that time, was there not? A. Yes, sir.

Q. Quite a number of them was arrested? A. Yes, sir.

Q. And all the warrants were issued by Judge Koch? A. All the warrants were issued by Judge Koch; yes, sir.

Q. Do you know any that have been convicted? A. No, sir.

Q. Have they been tried? A. Some were tried and discharged; and the Supreme Court judges threw some of them out; they took them out before the judge and he dismissed them; I think pretty nearly all have been discharged.

Q. This Grace Fox, it appears from the papers here— A. It was simply a blackmailing scheme.

Q. What was a blackmailing scheme? A. Why, all of those arrests.

Q. Blackmailing by whom? A. I expect by the police.

Q. I see that this Mrs. Grace Fox says she is, "Aged 23 years," and her occupation was agent of the society for the enforcement of the criminal law; and she says that she has read the affidavit of Jayne, and that Jayne swears to the truth; and this woman purported to go and make believe that she was in the family way? A. Yes, sir.

Q. And wanted to have an abortion performed upon her? A. She came into my house with this man Jayne, and she said she had been cohabiting with him; he was present, and she thought she was in the family way, and wanted to know if she could be treated; I told her if she was a probable case, yes; she wanted

to know what the charge would be; I told her \$100, and she said she would come in next Monday, and that was the last I saw of her until arrested.

Mr. Goff.—Is there any one here from the clerk of the Court of General Sessions? John F. Carroll! He has been subpoenaed to produce those papers, and was subpoenaed yesterday.

The Chairman (Pound).—Has he been present at any time?

Mr. Goff.—No, sir; I have not had any message from him at all; and we have the papers in certain matters in the possession of the district attorney, his secretary brought them here; but from the Court of General Sessions we have had no answer or reply to the subpoena.

The Chairman.—That is particularly reprehensible neglect, because any person in charge could be sent with the papers to you, and you could make use of the papers; there is no reason why it should not be responded to.

Mr. Goff.—That is what Col. Fellows, the district attorney, did. He sent the papers and left them in my charge by giving a receipt.

The Chairman.—I think unless some satisfactory excuse is offered against these witnesses they should be punished for contempt.

Mr. Goff.—Now, the offices are all closed on Saturday at 12 o'clock here.

Q. Well, doctor, before the dismissal of the Grace Fox case you say you were arrested again? A. Well, dismissal— you mean—it was not dismissed.

Q. Or before you were held for the grand jury? A. Yes, sir, I was arrested on April 7th at East 218 Forty-eighth street.

Q. Who issued that warrant? A. Judge Koch.

Q. He seems to have had a monopoly on the issuing of warrants of these cases? A. He might have been making money pretty fast out of it.

Q. When was the warrant issued? A. It was issued on the 7th day of April.

Q. Where were you? A. At 210 East Fortieth street.

Q. What hour? A. Nine o'clock at night.

Q. Who executed the warrant? A. Sergeant Frink.

Q. Was this on Saturday night? A. This was on Saturday night; yes, sir.

Q. What conversation did you have with Frink upon this warrant? A. When he brought the warrant into my house the

ink was not dry on it; he came in with the warrant and said, "This case don't amount to anything, doctor; it is some woman says you treated her in 1891, that you produced abortion on her;" and I said to him, "Well, why didn't you come with this warrant in the day time; you always arrested me late at night when I can not put in any bonds, to lock me up and let me sleep on a board, and I am getting old and can not stand it;" well, he said, "We just got the warrant from Judge Koch, and the order is to lock you up;" I had some conversation; I protested a little against it; and he said, "Well, doctor, I won't lock you up to-night if you will pay me;" well, I said, "I will pay you \$25;" he was with me about an hour; and he said he would not do it; he finally said, "I will take \$50, doctor, and let you go;" "Well, I will do that rather than be locked up;" and after he left my house.

Q. Did you give him the \$50? A. Not that night; he made an agreement to call at my house at 8 o'clock on Sunday morning; and when we got down to the judge again—Judge Koch—and after he had gone that night—I had several witnesses to this fact—and I went to a very eminent lawyer in the city of New York and laid this case before that gentleman; and he told me to take the number of the carriage which I was in, and all other connections with the case that I could, that when that case came up we would have ample proof against this man; and I did so.

Q. You took a cab; do you remember where you took a cab from? A. The Grand Central depot.

Q. To go to the gentleman's house? A. Yes, sir.

Q. What hour was it when you reached this lawyer's house? A. Well, he left my house.

Q. Who left your house? A. The officer left my house.

Q. I am speaking when you went to this lawyer's house? A. Well, I had quite a long conversation with the gentleman; I could not say how long, but Frink was to my house about an hour, and then I drove this cab to this gentleman's house, to a lawyer on the west side of this city above One Hundredth street; and I stayed there, I suppose, about an hour, may be three-quarters, and perhaps an hour, and was then driven back again.

Q. Now, I show you a memorandum and ask if that memorandum refreshes your memory as to the number of the cab and time you left that lawyer's house? A. That was the number

of the cab, April 7th; I can not say the time was 1:15; it was late anyway.

Q. It was 1:15 a. m.? Fifteen minutes after one Sunday morning; yes, that would be.

Q. Doctor, I was that lawyer? A. Yes, sir.

Q. Do you remember that I accompanied you to the door of my house, and the cab was in front, and I told you to be careful that the cab-driver would not see you take the number of the cab? A. Yes, sir.

Q. Do you remember you turned up the stoop of my house and gave me the number, and I made the record of the number here on this paper? A. Yes, sir.

Q. Right on the stoop of my house as you gave it? A. Yes, you did.

Q. And I looked at the lamp also? A. You did.

Q. The number of the cab was 1,627? A. Yes, sir.

Q. And I marked the time you left my house at 1:45 a. m.? A. Yes, sir; I could not have told the time.

Q. It was I that advised you to note all the circumstances in the matter in order that you might be able hereafter to testify to the details? A. You told me to take note of all the incidents in every case.

Q. Next morning did you see Sergeant Frink? A. Yes, sir.

Q. What time did he call to your house? A. He called at my house 218 East Forty-eighth street about 8 o'clock in the morning.

Q. What took place when he met you next morning? A. We went down to police headquarters, and then when we arrived at police headquarters they took my pedigree over again.

Q. They ought to have known you pretty well by this time? A. They intended to get acquainted with me perhaps, later on.

Q. Well? A. And they took me to an outside room after that where there was a chair they had taken from somebody — a doctor's electric chair — and showed me the workings of it, and it was in that room I paid him the money.

Q. The \$50? A. Yes, sir; the \$50.

Q. And that was for not arresting you over night? A. Yes; and then we went down to the Essex Market police court, and the case was put off until the next day, it was put off until Monday, and I have just forgotten whether I paid any money there or not.



Senator Bradley.—Will your memorandum refresh you, doctor; if so, you are welcome to use it, according to the ruling of the chair.

The Witness.—(Referring to memorandum.) Yes; I paid \$150.

Q. By the way, doctor, there was something I forgot to ask you with reference to that cab that night; do you remember your borrowing a bill from me to pay the cab hire? A. Yes; I came out of my house, and I had changed my vest, and I did not have any money, and I said to you that I did not know what I would do about it as I did not know the cab; my man was locked up; it was so late that night; so I started to go where I have a cab at the Astor stables, and they know me there, and they were locked up, and it was so late I had to go and get that cab at that place, and I had no money in my pocket, and I said to you, I haven't any money, and I don't want this man to drive to my house, because I know the police were watching me very sharp at that time to see if I should go to anybody's house, probably yours or anybody else's; so I left the cab on Third avenue, and I borrowed \$5 from you to pay the cabman.

Q. I hand you a memorandum; do you remember the number of the bill was taken at the time I loaned you the money? A. Yes, sir.

Q. Just look at that and see if that refreshes your memory? A. Yes, sir.

Q. Read the number of the bill? A. The number of the bill is 23736522, series 80 greenback \$5; bill loaned by J. W. G. to Dr. W., loaned him to pay for cab-hire.

Q. You remember that memorandum was made the night I gave you the bill? A. Yes, sir.

Q. In your presence? A. In your office; yes, sir; in your back parlor.

Q. In my library? A. Or library.

Q. Well, doctor, this was on the Berthold charge; wasn't it? A. That was on the Berthold charge; yes, sir.

Q. That is the charge; you were arrested on the charge that these three persons who came here to-day and swore there was no truth whatever in the charge? A. Yes, sir.

Q. And that was the charge you were arrested on a third time? A. Yes, sir.

Q. What has been done with that charge? A. Well, I never have known; I was indicted; I was held for the grand jury, and indicted about six or seven months ago.

Senator Bradley.— You asked him a question and he had to refer to his notes; and you asked if he had paid any money in court when he went down there, and he looked at his notes and found he paid \$150 there.

Q. To whom did you pay \$150? A. I paid it to Mr. Friend.

Q. In cash money? A. In cash money; by the way, when I was arrested by Frink that night he told me that he would have Friend there the next day at court.

Q. Was Mr. Friend there? A. Yes, sir.

Q. To whom did you pay the \$150? A. Mr. Friend.

Q. Did you offer a check? A. He would not take a check, sir; he refused those of me; he would not take any more checks from me.

Q. You gave him the cash? A. Gave him the cash.

By Senator Pound:

Q. What charge was that on? A. Berthold's.

Mr. Goff.— That is the charge in which these three witnesses to-day were examined and swore there was absolutely no truth in it, as they have sworn here to-day.

Q. Did you pay any more money? A. In the Berthold case?

Q. In the Berthold case? A. Yes, sir.

Q. How much did you pay on the Berthold case? A. I was held until the next day, Monday; and on Monday they gave me a hearing in the Jayne case.

Q. That is the Agnes Fox case? A. Yes, sir; the Fox case and the Berthold case at the same time.

Q. Yes? A. And Judge Koch sat back in his chair, and he said he was going to make an example of me; and he held me to await the action of the grand jury on each.

Q. On each case? A. On each case; it did not take him long to do that; on the Fox case he held me under \$2,000 bonds and on the—

Q. Are you not mistaken in that? A. No; I will come to that later.

Q. Was it not \$2,500? A. I thought it was \$2,000; it might be \$2,500—\$2,500, yes, that is right; he held me in \$2,500 bonds on that charge; and on the other charge he held me in \$5,000 bail; and then the lawyers, Friend and House, came to me, and wanted me to pay out \$750 more, and I got sick of it, and I would not do it.

Q. Which of the gentlemen whose names you have mentioned Friend and House, came to you? A. Mr. House is quite a gentleman; I think I never saw him but once or twice in my life; all the business was done with Friend, here; not my friend; but a friend of my pocket-book.

Q. What was the \$750 for? A. Well, blood money, I suppose.

Q. What did he say it was for? A. Well, for the cases.

Q. For the cases? A. Yes, sir.

Q. Now, I ask you right here, do you remember at any time when you gave money to Mr. Friend, at police headquarters, that he said in substance that some of it had to go there? A. That has been testified to long ago.

Q. I have not so heard it.

Senator Pound.—The witness said that Mr. Friend said 50 per cent. had to go to the police.

Q. Was there such an expression as, "It has to go in there?" A. Yes, sir.

Q. That is the point I want to get at? A. He said he had to pay the police 50 per cent. of all the money he took from the cases which he got through the police.

Q. Were you not on \$5,000 bail? A. Yes, sir.

Q. In one of the cases? A. Five hundred dollars on one and \$2,500 on the other; they lumped the thing right on the moment there.

Q. Five thousand dollars on the one and \$2,500 on the other, that would be \$7,500, and 10 per cent. of that \$7,500 would be \$750; well, what had you to do with the Moebeus people—Mrs. Moebeus here, this old woman? A. Nothing at all; never saw her until I saw her in court.

Q. Did you give bail for her, or have anything to do with her? A. Yes, sir; but that was subsequent to a great deal that transpired before this.

Q. Go on and tell us? A. When they put me under \$7,500 bail I would not give it, and they took me into the sergeant's room and kept me there two or three hours, and tried to coax me to pay it but I would not do it.

Q. Who tried to coax you? A. Mr. Friend and Sergeant O'Toole; I said, "Lock me up in the Tombs;" I had been committed for this; they said they would put me in Essex Market; I told them they must lock me up in the Tombs; and it got late, and they told me it was too late, and the Tombs was closed up,

and I said, "You have got to take me down as that was the place for me if I was held for the grand jury;" and finally Sergeant O'Toole of police headquarters, and Mr. Friend, held whispered conversations for a great while, and a good many of them, and they went in and out probably a dozen times, and they were going to get the judge to reduce the bail, and finally they came back and told me that in one of the cases they had reduced the bail \$1,500: he was still sitting there to reduce the bail, I believe.

Q. How late was this? A. I was going on toward night; and in the other cases in a few minutes longer they came in again and said he had reduced the bail in that case to \$2,500.

Q. In the \$5,000 case? A. In the \$5,000 it had been reduced to \$2,500.

Q. Your bail had been reduced from \$7,500 to \$2,500? A. Yes.

Q. What took place then? A. Then they told me that a Mrs. Moebeus had been arrested, and that she was under a \$100 bail, and the best thing I could do was to bail her out; I wanted to know why, and they told me that perhaps they might get her to go against me some way, and the best thing to do was for me to pay the bonds, and that would settle up everything, and that would make \$500; and I consented to do it, and did do it.

Q. Got you for bondsman on the bonds of Mrs. Moebeus, whom you never had seen before? A. Yes, sir.

Q. And you agreed to give \$500? A. Yes.

Q. Did you pay that sum? A. I did.

Q. When? A. It was the next day.

Q. How did you pay it? A. I paid it in money.

Q. To whom? A. To Mr. Friend.

Q. Where? A. At the Essex Market Police Court.

Q. You were let out that night, were you? A. Yes, sir.

Q. Do you know who went on the bonds for yourself and for Mrs. Moebeus? A. Well, on Sunday I was held under bail.

Q. You did not stay all night in the Essex Market Court? A. No.

Q. The bond was taken then? A. Yes, sir.

Q. Do you know who went on the bonds? A. No, sir.

Q. All you know is that you paid the money? A. That is all.

Q. You agreed to pay it? A. That is all that was necessary.

Q And you paid it the next day? A. Yes, sir.

Q. Next day when you went to Essex Market Police Court on the Berthold case, what took place? A. It ended on the 9th, I think.

Q. Now, I see on the 10th of April, did you give any money to any official of the court? A. Yes, sir.

Q. In the Moebeus case? A. Yes, sir.

Q. To whom? A. On the 9th, when I was there on the 9th I paid this money to Mr. Friend, and Mr. Friend told me that Mr. O'Toole had made the arrest of Mrs. Moebeus, and he said, "Doctor, they all work for money."

Q. The paper shows the arrest by Sergeant O'Toole? A. "They say they all work for money, and you don't know what this sergeant might do, you know; and he might turn this woman against you and get her to testify against me;" he said, "You better go to O'Toole and see him, and pay him something."

By Senator Pound:

Q. Who said that? A. The gentleman present over there, Mr. Friend; I saw Sergeant O'Toole the next day, on the 10th, and I asked him what he wanted; I said, "I brought you down \$100;" and he would not take it; he said, "Doctor, I want \$200;" and so I gave him two \$100 bills.

By Mr. Goff:

Q. At the Essex Market police court? A. In the Essex Market police court; in his room.

Q. That is, the room called the "Sergeant's room? A. The sergeant's room.

Q. Well, did you pay any more money in relation to the case? A. Yes, sir.

Q. To whom did you pay that money? A. There was a lawyer of the name of Gottlieb, I think Morris Gottlieb.

Q. Is Mr. Morris Gottlieb in court; he has been subpoenaed, too.

Q. The Chairman (Pound).—Has he been here at all; do you know?

Mr. Goff.—I don't know, sir. Is Mr. Gottlieb in court? He does not answer.

Q. Well, proceed? A. I was told by Mr. Friend that I had better go and see Mr. Gottlieb, as he had charge of Mrs. Moebeus and Mrs. Kusch's case; on the 12th, I believe it was

the 12th of April, he said, "If I was you, I would go and pay him something;" "Why;" "Well, because he can get this man to say anything;" and I went to Mr. Gottlieb and offered him—I said to him, "I don't owe you anything; you never did any law business for me in my life, and I don't know why I should pay you anything;" he got quite angry at it and said, "I could make this woman swear against you whether you are guilty or not; I could do as I pleased with her;" and I said, "Here is \$50;" I thought that was enough; I put down a check; I thought that was enough for him, as he was a shyster, and he would not take it, and said he would make it damn hot for me if I did not give him a hundred.

Q. How did you give him a hundred? A. Well, he had his own check-book there; I had brought down one of my own checks and gave him, and he took a check out of his own book, and I had to write \$50 on his own check-book in addition to the check I had already drawn for \$50.

Q. I hand you a check dated May 12th and ask you to look at that check? A. Yes, sir; that is the check I gave him.

Q. Was that a check out of your check-book? A. Yes, sir.

Q. And that was the check you had prepared first? A. Yes, sir.

Q. "New York, May 12, 1894. Second National Bank. Pay to the order of Maurice H. Gottlieb fifty dollars, \$50;" endorsed, "Maurice H. Gottlieb." This check went through your bank in the ordinary course of business? A. Yes, sir.

Q. And was returned to you as a voucher? A. Yes, sir.

(Check marked in evidence Exhibit 5, Nov. 3, 1894, L. W. H.)

Q. Now, you say that Mr. Gottlieb insisted upon your giving \$100, and took a check out of his own check-book? A. Yes, sir.

Q. And you signed the check he took out of his own check-book? A. I made it payable from the Second National Bank; on my own bank.

Q. I hand you a check of the same date, May 12, 1894, and ask you if that is the check Mr. Gottlieb took out of his own check-book and handed to you? A. That is the check, sir.

Mr. Goff.—I read: "New York, May 12, 1894. The State Bank," with scratches of pen drawn through the words, and underneath is written the words, "The Second National Bank. Pay to the order of Maurice H. Gottlieb, Fifty dollars (\$50). Newton Whitehead." Indorsed "Maurice H. Gottlieb." Deposited in the State Bank. We offer that check in evidence.

(Check marked Exhibit 6, November 3, 1894. L. W. H.)

Mr. Goff.—This check you will observe, Mr. Chairman and Senators, shows where the name of the bank was scratched out, and the name of the bank of deposit in which the witness had his account was written in.

The Witness.—May I look at it a minute. This is all written by Maurice Gottlieb, excepting my signature.

Q. He wrote all the writing on it? A. He did the balance.

Q. And this check went through your bank and was paid out of the money on deposit in your bank? A. Yes, sir.

Q. And came to you as returned voucher? A. Yes, sir.

Q. Now did you pay any more money? A. Yes, sir.

Q. To whom? A. Friend.

Q. What for?

Senator Bradley.—While the doctor is looking over these minutes, are all these officers still on the force?

Mr. Goff.—Every one of them.

Senator Bradley.—Full fledged officers?

Mr. Goff.—Full fledged officers; he is acting captain.

Senator Pound.—Who, O'Toole?

Mr. Goff.—Yes, sir.

Q. I find that on the 14th of April, Doctor—Will you look at your memorandum, and turn to that date, and see what money you paid on the 14th of April? A. On the 14th of April, Friend wanted \$200; said he was a little short of money; and I said to him, I wanted to know where the thing would end; he said to me, "Well, doctor, you pay me two more hundred dollars and that is all I will ever ask of you, and you will never hear any more of your cases, and that ends it."

Q. Did you give him the \$200? A. Yes, sir.

Q. Did you ever hear any more of your cases? A. No.

Q. But you were indicted? A. Yes, sir.

Q. Did you pay any more money at Essex Market Police Court than the moneys you have described and sworn to here? A. Yes, sir.

Q. To whom? A. Sergeant O'Toole.

Q. You say Sergeant O'Toole was sergeant of the court squad there, wasn't he? A. I don't know.

Q. He was sergeant of the court? A. He had the charge down there; he was the sergeant; he was the only sergeant I saw

around there; I don't know whether there was anybody else with him or not; there was one other officer there.

Mr. Goff.—I have been informed, Mr. Chairman and Senators, that Sergeant O'Toole has been taken sick.

Q. How much did you pay him, doctor? A. I sent him \$50.

Q. By whom did you send him \$50? A. I would like to identify O'Toole.

Mr. Goff.—Is Sergeant O'Toole here? Is that Sergeant O'Toole (indicating officer.)

The Witness.—That is the man.

Q. That is all, sergeant; that is all; well, by whom did you send the \$50? A. I sent it by a Mrs. Ruggles.

Q. Why did you send it by Mrs. Ruggles? A. Mr. Kusch—Sergeant O'Toole told me that Mr. Kusch was going to be arrested, or had been arrested, and that Judge Koch had put the bail to \$1,000, but if I would give him \$50 that he would give it to Judge Koch, and Judge Koch would reduce that bail to \$500; and I believe it was done.

Q. Well, the reduction of this bail you say from \$1,000 to \$500— A. I don't know that Judge Koch did reduce it; I was told that he did; Sergeant O'Toole told me he had reduced the bail to \$500.

Q. That is, Mrs. Kusch's bail? A. No; Mr. Kusch's bail.

Q. Now, did you have any communications with Sergeant O'Toole? A. Afterward, a good many; yes, sir.

Q. Tell us about that? A. I disremember what they were now; nothing particular, unless my memory is at fault.

Q. I will show you something here; did you keep copies of your communications to Sergeant O'Toole? A. Oh, yes; certainly.

Q. And it is but fair to you, doctor, to ask you this question; were you advised to keep copies? A. Yes, sir.

Q. Who advised you? A. Lawyer Goff.

Q. That is, this individual (pointing to himself)? A. Yes, sir.

Q. I hand you a telegraph blank of the date of April 12, 1894, and ask you to read—and first, in whose handwriting is that? A. That is in my handwriting.

Q. Is that a copy of a communication you sent to Sergeant O'Toole? A. Yes, sir.

Q. By whose hands did you send this communication? A. I sent it by Mrs. Ruggles.



Q. "Friend O'Toole, I will be down at 2 p. m. if I possibly can. If not, to-morrow morning at 9 a. m. I wish you would have that made for \$500. I know you can. Whitehead." Now, did you send any other communication to Sergeant O'Toole? A. Yes, sir.

Q. Well, I hand you a note dated April 13th, the day after, and I ask you if that is in your handwriting? A. That is in my handwriting; yes, sir.

Q. Is that a copy of the second communication you sent to Sergeant O'Toole? A. Yes, sir.

Q. "April 13, 1894. Dear Friend O'Toole—" A. That was by your advice.

Q. I understand; all this was by my advice? A. Yes, sir.

Q. "I could not come down to-day so I send my nurse. She has \$50 in an envelope with her, and if you will fix bail for that do so, and just say to her that is all right and she will hand it to you. Tear this up after reading. Truly yours, Whitehead." Did you send the \$50 with this communication? A. I did.

Q. And did you take the numbers of the \$50? A. I did.

Q. And the serial numbers? A. Yes, sir.

Q. Look on the back of that communication and see if the numbers of the bills and the serials were taken by you? A. That is my writing; yes, sir.

Q. Tell us the serials? A. United States silver, \$10; denomination, series 1891; No. 5646488.

Q. I will read those for you; I can get them off more rapidly; "Silver series 1891, \$10, E. 4544554, Letter B. Greenback series 1890. No. A 2624580 D, \$10. Greenback \$10, series 1880, No. A 10765310 B. Greenback \$10, series 1880, No. 11731537 A." You swear, Dr. Whitehead, that these numbers that are down here you took from the bills you gave into this lady's hands to take down to Sergeant O'Toole? A. I do.

Q. And you put them down at the time on the back of the communication you sent with them? A. I did.

Q. Did she report to you what disposition she made? A. Yes, sir.

Q. What was the report? A. She came back to me and said that Sergeant O'Toole took the letter and read it, and took the money and told her it was all right, and took the money and took it out of the envelope and put the money in his pocket.

Mr. Goff.—Just step aside a moment. Mrs. Ruggles!

Annie Ruggles, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. Mrs. Ruggles, you are engaged in mission work in this city? A. I am.

Q. And your mission work principally lies among the unfortunate of your own sex? A. Yes, sir.

Q. And you have been engaged for some years in that work? A. Three years.

Q. Mrs. Ruggles, do you remember my requesting you to place yourself at the disposal of Dr. Whitehead here for a special purpose? A. I do.

Q. Did you take a message from his house to Sergeant O'Toole at Essex Market police court? A. I did.

Q. Now, when you went to the doctor's house — Dr. Whitehead's house — did he show you the communication that he wrote, or did you see him write the communication to Sergeant O'Toole? A. I saw him write it.

Q. Did you see him make a copy of it as he has read it here? A. I did.

Q. You recognize it? A. I read it after he wrote it.

Q. And you recognize it as the one he wrote? A. Yes, sir.

Q. Did you see him put that communication into an envelope? A. I did.

Q. Did you see him put anything else into the envelope? A. Not in that envelope; he sealed that one.

Q. Did you go more than once? A. No; just once; I did not carry that telegram.

Q. You went down with the telegram? A. No; I did not carry that telegram; that was sent by a messenger boy.

Q. I am not speaking of the telegram; I am speaking about this communication of the date of April 13th; this one, where he said he would send his nurse? A. I carried that one.

Q. That is the one you carried? A. Yes.

Q. The other was sent by district messenger? A. Yes, sir.

Q. It was agreed you should represent yourself as a nurse? A. Yes, sir.

Q. Of Dr. Whitehead's? A. Yes.

Q. You had not been in any way connected with Dr. Whitehead? A. No.

**Q.** Up to that time; did the doctor give you a reason why you should represent yourself as a nurse? **A.** Yes; because he wanted me to take this money to Sergeant O'Toole with the understanding to tell Sergeant O'Toole that he had a very pressing case; I believe he had; I would not take his message until he employed me as his nurse; I was legally employed by him; and I went down and represented to Sergeant O'Toole that the doctor was on this case in the morning and was unable to come himself and sent me as his representative.

**Q.** I will come to that case later on at another stage of the case; I want to know about the message to the Essex Market police court; you went down to the police court with this message; did you see the doctor put anything in the envelope besides this message? **A.** No, sir; just that message.

**Q.** What? **A.** Just the letter.

**Q.** You saw him put something in another envelope then? **A.** Yes, sir.

**Q.** Did he give you anything to put in the envelope? **A.** In that envelope?

**Q.** Yes. **A.** No; nothing; he sealed that envelope with that letter.

**Q.** Did he give you any money? **A.** Yes, sir; he gave me \$50; I had two envelopes.

**Q.** What did you do with the \$50? **A.** I took the numbers off of them.

**Q.** And where did you put the \$50? **A.** I put it in a separate envelope.

**Q.** Were each of the envelopes addressed to— **A.** Sergeant O'Toole.

**Q.** Did you take the numbers of the bills? **A.** I did; yes, sir.

**Q.** Did you write them down? **A.** Yes, sir.

**Q.** At the time? **A.** Yes, sir.

**Q.** Can you say if those are the numbers? **A.** Yes, sir; I think those are.

**Q.** Those are the numbers?

By Senator Bradley:

**Q.** You say you think; is there any doubt in your mind that they are or not? **A.** I can not swear to it, because it is quite a time since I took them down; they are not in my own handwriting that he has handed me.

By Mr. Goff:

Q. Well, when you went down to Essex Market Police Court had you ever been there before? A. No, sir.

Q. You are sure you carried the envelope containing the \$50? A. Yes, sir.

Q. Did you see Sergeant O'Toole when you went down? A. Yes, sir.

Q. For whom did you ask? A. Sergeant O'Toole.

Q. Tell us what took place? A. When I went in I saw the officer at the outside door, and asked him for Sergeant O'Toole; I was taken into the sergeant's room and told this was Sergeant O'Toole; and I asked him if that was his name, and he said yes; that was that man that stood up.

Q. You recognized the gentleman that stood up as the same man? A. Yes, sir; the same man.

Q. What did you do when he said yes? A. I handed him the envelope containing the letter; he opened the letter and read it, and tore it up, and said it is all right; I handed him the other envelope containing the \$50; he tore the envelope open and put the \$50 in his pocket.

Q. You say he took the \$50 out of that envelope? A. Yes, sir; and put them in his pocket.

Q. Did he say anything when he put them into his pocket? A. He said, tell the doctor it was all right.

Q. That was all that you had to do with the matter? A. Yes, sir.

Q. Did you make a copy of the letter that he sent? A. Yes, sir.

Q. Well, now, you did not look at this slip of paper; I ask you is that in your handwriting? A. Yes, sir.

Q. This is the one I thought I had; now, look at the figures below and see if the figures and serials of the bills are in your handwriting? A. Yes, sir.

Q. That is in your handwriting? A. Yes, sir.

Q. And you took those numbers and letters from the bills that you put in the envelope? A. Yes, sir.

Q. I wish to introduce this in evidence, Mr. Chairman.

The Chairman (Pound).—This is her memorandum?

Mr. Goff.—Made in her own handwriting.

The Chairman (Pound).—The stenographer will mark it in evidence.

(Paper marked in evidence Exhibit 7, Nov. 3, 1894, L. W. H.)

Mr. Goff.—Mrs. Ruggles, that will do for the present.

Newton Whitehead, recalled and further examined by Mr. Goff, testified as follows:

Mr. Goff.—Dr. Hawker, have you got your bank book?

Dr. Hawker.—Yes; but I have not got it with me.

Mr. Goff.—And a checkbook, Doctor?

Dr. Hawker.—Yes, sir.

Mr. Goff.—What bank, Doctor?

Dr. Hawker.—Garfield National Bank.

Mr. Goff.—And you have your checkbook now, and your bank-book at home.

Dr. Hawker.—Yes, sir.

Q. Do you know Dr. Hawker, Dr. Whitehead? A. Yes, sir.

Q. Well, is this the gentleman that you referred to a while ago as having been arrested at police headquarters? A. Yes, sir.

Q. And in the cell when you were asked to induce him to retain Mr. Friend? A. Yes, sir.

Q. Did this gentleman present anything to you about his retaining Mr. Friend? A. Yes, sir.

Q. What did he say to you? A. He said that he had—well, I know he had retained him, because Friend had represented him; and some time after that while we were at the Jefferson Market—Essex Market Police Court, he told me that Friend had charged him a \$1,000 note to defend him on that case all the way through, and that he had put up \$1,500 and been discharged by Judge Koch; and at the time that he had been discharged that he was not in this State.

Q. That he was not in this State? A. He had been put on his bonds after being held by the grand jury, and had jumped his bail, and when he was away out of this State that Judge Koch had recalled the case up and dismissed the case.

Q. Dr. Hawker told you he had put \$1,500 up? A. Yes, sir; I think the \$1,500 was put up on—

Q. Yes; you were saying something about the \$1,500? A. That was put up on the 24th day of March, 1894.

Q. Eighteen hundred and ninety-four? A. I don't think he would deny it, if you asked him.

Q. Now, right here, upon that point, and before I proceed to further particulars, let me ask you if you have been acquainted with or known of a number of persons, doctors and midwives in this city who were reputed to be abortionists? A. Yes, sir.

Q. And you have known of a number of these people to advertise their business? A. Yes, sir.

Q. Daily? A. Yes, sir.

Q. Have you known of these people to have paid money to any person, or authority, to be allowed to prosecute their business?

A. I have heard so; yes, sir.

Q. I mean now the general reputation among the abortionists? A. Yes, sir.

Q. And what were these spasmodic raids and arrests for? A. Well, I suppose to get money out of them; I know nothing else.

Q. That was the rule—the result of those spasmodic raids and arrests of abortionists, to get money? A. Yes, sir; to get money.

Q. And you were one of the men or persons included in these raids or arrests? A. Yes, sir.

Q. And you have to pay the moneys? A. Yes, sir.

Q. Describe here, every time? A. Yes, sir.

Q. About how much money did it cost you for the arrests you have described here lately? A. I can not say; I never figured it up.

Q. Well, Mr. Moss has figured up the amounts of the checks, etc., that you have sworn to? A. And the moneys.

Q. And all together with these six weeks—there were three arrests in six weeks you have described? A. Yes, sir.

Mr. Moss gives those figures; he has computed the matter there and we think it is correct; this is the footing of your own statement; this is the statement to me of the amounts of moneys you paid, and which you have testified to? A. Those are correct, sir.

Q. Those are correct? A. Yes, sir; \$2,825.

By Senator Pound:

Q. And of that Sergeant Frink received direct from you \$550? A. No; \$500.

Q. You stated you gave him \$50 once in consideration that he would not arrest you? A. Yes, sir; \$550.

Q. And Sergeant O'Toole received from you direct \$250? A. Two hundred and fifty dollars.

Q. From you, personally, \$200, and from your messenger \$50? A. Yes.

Q. And the rest was paid, was it, to the attorney; to Mr. Friend and Mr. Gottlieb? A. Yes, sir.

Mr. Goff.—A total of \$2,825, for three arrests inside of six weeks. I see, Mr. Chairman, that as we travel along we find that the figures given by the Evening Sun possibly is nearer the truth than the figures given by Mr. Tabor.

Senator Pound.—Mr. Tabor was very modest apparently in his estimate. His light was perhaps not of the exact nature of the one witness referred to here.

Mr. Goff.—No; I should say not.

Q. Now, did you have a conversation with Judge Koch? A. Yes, sir.

Q. About what? A. After I had been held for the grand jury, I think it was a day or two afterwards, a lady came into my office, and said she was in the family way, and wanted to get treated, and I would not treat her; she talked with me some time, and wanted to know why, and I told her I had been blackmailed and had been arrested on three false charges within three or four weeks.

Q. Have you given us the date? A. It was about the 11th or 12th; I think about the 12th day of April.

Q. This year? A. Yes, sir.

Q. And just while these things were pending? A. They had all been disposed of then.

Q. At Essex market? A. Yes, sir; they had been wound up there; that was the end of them.

Q. Go on. A. This lady wanted to know why; I told her I thought I would not practice any more; I would leave the city of New York if they were going to prosecute me that way for nothing; and she said, "The gentleman who got me in the family way is a very influential man, and he is a judge and can do a great deal for you, doctor;" I told her I did not think he could, because I had been held for the grand jury; she insisted, and said, "Doctor, who is this man that held you;" I said, "It was Judge Koch;" she said, "Judge Koch;" she said, "My God, he seduced me and got me in the family way five times, and Judge Koch paid the bill."

Q. Proceed, doctor? A. She left my house, and she went down to Judge Koch at Essex Market, and Judge Koch sent for me.

Q. Sent for you? A. Yes, sir; by her; I have got lots of proof of that; there is no need for him to wriggle out of it for he can not; and I went to see Judge Koch, and he was as sweet as

sugar; he told me, "Doctor," he says, "I am very sorry about this affair; I did not know that my girl had ever been to you;" he said, "I will do all I can for you, everything;" he said there would not anything come of this case; "Don't you be afraid;" the girl afterwards —

Q. Wait a while; was there any one present? A. Mr. Friend here.

Q. Was present when Judge Koch said that to you? A. Yes, sir.

Q. Just follow the narrative; how did Mr. Friend come to be there in the room? A. Judge Koch waited for him until he came; I sat there about half an hour, and Koch seemed to be holding a case outside, and he waited until Mr. Friend came; he came in and saw me, and said, "I am waiting until Friend comes here."

Q. Judge Koch said? A. Yes, sir; and when Friend came in he spoke this matter over, and Friend wanted to know what it was; he said, "it was that Alexander woman I had trouble with before."

Q. Koch said? A. Yes, sir.

Q. What came of that conversation, if anything? A. I think it ended there.

Q. Was there anything further done with the Alexander woman? A. Yes, sir.

Q. What was done? A. She came to my house several times; a lawyer by the name of Mr. Goff sent up some court detectives there in my house to watch her when she came and get the conversation; and the case was put off one day, and she had been there, and I tried to put her off till the next day, and she got mad about it and said she was going to old Dr. Murphy in East Sixtieth or Sixty-first street, and he would treat her and produce that abortion for her; these gentlemen were in the house; some here I recognize were there; there are two of them sitting right there, and one over yonder; and the lady who was on the witness stand last, she went over to Sixth avenue, about Fifty-third street, I don't remember whether I have got the number or not, and she went over and saw the Alexander woman, and had a talk with her in relation to this case, and the Alexander woman told her how she had been—

Q. Never mind; this Mrs. Ruggles reported to you what the Alexander woman said? A. She reported to us—the gentlemen present here and myself.

Mr. Goff.—Now step down again. Mrs Ruggles!



Annie Ruggles, recalled as a witness on behalf of the State, being further examined by Mr. Goff, testified as follows:

Q. Mrs. Ruggles, do you remember receiving instructions from me to go to Dr. Whitehead's house? A. Yes, sir.

Q. And to await the arrival of some female? A. Yes, sir.

Q. I believe the female did not arrive? A. No, sir.

Q. What was done after the time that the female should have arrived there according to her appointment? A. I was sent after her.

Q. You went after her; where did you go? A. Sixth avenue, just about between, I think, Fiftieth and Fifty-first street; I don't remember the number.

Q. Between Fiftieth and Fifty-first street? A. Yes, sir; I think so in that locality.

Q. Do you remember the name? A. Alexander, I think.

Q. Did you see a woman there? A. Yes, sir; two.

Q. Answering to that name? A. Yes, sir.

Q. How did you reach her? A. I reached her through her sister.

Q. Reached her through her sister; tell us how the matter was done and accomplished? A. Her sister came and answered the bell; and I had a description of this Miss Alexander, and I was told to beware of the sister, not to get them confused; and I knew that this Miss Alexander that opened the door was not the one I wanted, so I asked for her sister, and she told me she was sick and could not be seen; I told her it was very important I should see her; she asked me who I was, and I told her I came from Dr. Whitehead, and she went away for a few moments and went back to her sister; and came back and said I could see her sister; I was taken to her sister's bedroom, and she was in bed sick; and I told her Dr. Whitehead would like to see her; and she said it was impossible for her to come, that she was very ill, under the doctor's care; and I explained to her why it was that the doctor wanted to see her.

Q. What did you say to her? A. I told her Dr. Whitehead was in trouble with the courts, and which she knew; I said, "You already know what the case is; the doctor has talked with you about it," she said, "Yes;" I said, "It lies in your power to help the doctor out considerably;" she said, "It did; it does not now."

Q. "It did; it does not now?" A. Yes.

Q. Was there anything said by her as to why it did not lie in her power then A. Yes, sir; she said to me—

Q. What did she say on that point? A. She said, "It did lay in my power to help the doctor, but I would not do it now; he did not keep up to his agreement;" I believe that was as the doctor said; he had put her off three days longer, and he had promised—

Q. Because Dr. Whitehead did not keep to his agreement to do something to her? A. Yes; sir; that she would not do anything for him now; she said that she was quite sore on him.

Q. On he doctor? A. Yes, sir; on Dr. Whitehead; she said, "I did the square thing by the doctor;" she said, "I went to this gentleman friend of mine, and I had things fixed for him so that his case was all right;" I said, "You mean Judge Koch;" and she said, "Yes;" and then I said, "You refuse to go to the doctor;" she says, "No, I am under other medical care; but tell the doctor I may perhaps help him out later on."

Q. Help him out later on? A. Yes.

Q. Did she say anything, Mrs. Ruggles, about having gone for relief to some other doctor? A. Yes, sir; she said she had gone on Monday night to see an old physician of hers, and he had treated her.

Q. Now, Mrs. Ruggles, I know this is a delicate matter, but then we have got to be somewhat relentless in getting the exact facts; when she said—just give us the exact words she said, if you please? A. Well, she said she had received treatment from a doctor.

Q. Did she say anything that led you to understand what kind of treatment she had received? A. Yes.

Q. What was that? A. She said that Dr. Whitehead knew of the extreme trouble that she was in, and that it laid in his power to help her out of that trouble, and he would not do it; and, of course, in her profession, which I believe was an actress, that she was not in a position to appear on the stage in that condition; and she had an engagement in a week that must be fulfilled, so it was necessary to her to have the abortion performed, and she had gone to her old doctor and had the abortion performed.

Q. Was that about the substance of the conversation you had with her? A. Yes, sir; and she would not come.

Q. And then you left her? A. Yes, sir.

Mr. Goff.—That will do, Mrs. Ruggles; unless you wish to ask her anything.

The Chairman (Pound).—No question.

Newton Whitehead, recalled and further examined by Mr. Goff, testified as follows:

Q. Well, doctor, have we reached the point where you gave up your indefinite communication with the people around the Essex Market police court; or is there anything remaining in connection with that remarkable institution down there that you have not testified to? A. I believe that is all.

Q. Now, you say you have been indicted? A. Yes, sir.

Q. Have you made any effort to have those indictments tried? A. Yes, sir.

Q. What effort have you made? A. Well, I saw Messrs. Friend & House every three or four days about it, and they promised me that they would have the—said there was absolutely nothing in it; that no judge would ever allow it to go to trial, any of the cases, and that they would have it thrown out in a day or two; and they repeated that so many days that I got sick of it and dropped them.

Q. Did you give them any more money? A. No; they never settled with me; the last \$200 they said that was the last I should ever have to pay.

Q. You have testified to that \$200? A. Yes, sir.

Q. Now, in regard to getting your cases on the calendar for trial, how frequently did you visit those gentlemen? A. I should say twice a week sometimes, and sometimes three times a week.

Q. Up to what period of time? A. Well, for about three months.

Q. What months? A. April, May, June, possibly until the 1st of July; somewhere along that.

Q. And you say those gentlemen promised you to have your case brought up? A. Dismissed.

Q. Dismissed? A. Dismissed.

Q. Have the indictments been dismissed? A. Not. that I know of.

Q. So far as you know? A. I do not know; I have no way of finding that out; I think not.

Q. They have never been called up for trial? A. Never.

Q. Doctor, are you ready for trial at any time? A. Yes.

Q. Have you any complaint to make or fault to find with any treatment you may have received in the district attorney's office over these matters? A. Not a particle.

Q. You have been treated there fairly well? A. I never was there.

Q. I mean now the official of the district attorney's office, or the district attorney himself, Col. Fellows? A. Yes; I think Col. Fellows is a gentleman; if I had a 1,000 votes to-morrow I would give them to him.

Q. He treated you properly and well? A. I only saw District Attorney Fellows once in my life, that was eight or nine years ago; and I had a conversation with him in relation to some matter outside of this.

Q. Then so far as these transactions of which you have testified are concerned, you have no complaint to make against the district attorney or his office? A. Not a thing.

Q. Now, I ask you did you retain any other lawyers in the criminal proceedings against you—these indictments? A. Yes, I did.

Q. What other lawyer or lawyers did you retain? A. Well, I retained a gentleman, an educated gentleman, he is a gentleman, his name is Mr. Pentecost.

Q. Yes; how did you come to retain Mr. Pentecost? A. Well, Friend & House would not have the case dismissed, and I did not want the indictments hanging over forever, and I thought best to have some other counsel take the case.

Q. Well, did you go to him? A. He came to me.

Q. He came to you? A. Yes.

Q. How did he come to come to you? A. Through a Mr. Liebermann.

Q. Who is Mr. Liebermann? A. I believe the first time I saw Mr. Pentecost was on Third avenue; it was on Third avenue, between Forty-first and Forty-second streets, or Fortieth and Forty-first; and he told me Mr. Pentecost was a very successful man there; and I told him I thought seriously sometimes about employing him myself; and at that time Pentecost came in; I spoke to him about the case; and he called on me in a day or two afterward, or that night, I don't know which, shortly afterward any way after I saw him; then Mr. Pentecost said—I told him the case; and he said there wasn't anything in it absolutely, and that they would never try the case in the

world; that the district attorney would not try any such case; and he said if I would pay him \$100, or if I would pay him \$500, that he would have the case dismissed if he could; he wanted a retainer on the case, and I paid him \$100.

Q. Well, is this a receipt (showing witness paper)? A. July 19th; yes, sir; that is the receipt; Mr. Pentecost wrote it.

Q. Here is another from Mr. Pentecost (showing witness paper)? A. Yes, sir.

Q. Well, doctor, let me have those papers please; what is this \$150? A. On Sunday, the 16th of September, Mr. Pentecost called at my office again and said he wanted \$150, and I paid him.

Q. That was \$250? A. Three hundred and fifty dollars in all.

Q. Has Mr. Pentecost returned you any of that money? A. No, sir; I will make a demand now that he return me my money.

Q. This receipt says, "Received from Dr. Newton Whitehead, \$100 to be returned to him in case two indictments against him not dismissed within one week from date;" this was September 13, 1894, signed "Pentecost & Gatling?" A. If they were not dismissed within 10 days.

Q. "Received of Dr. Newton Whitehead \$100 for professional service on account in two cases of People against Whitehead; Hugh O. Pentecost;" July 19, 1894; then on the back of this first receipt, "September 16, 1894, is 1:50 p. m., \$150;" and that is \$350 altogether? A. Yes, sir.

Q. And your indictment is not dismissed, nor are you, doctor? A. No, sir.

(Papers referred to are marked Exhibits 8 and 9 Nov. 3, 1894. L. W. H.)

Q. Is there anything in relation now to the matters that we have omitted to question you upon? A. I think not.

Q. You think the ground has been covered? A. I think so.

Q. Could you give us any idea of how many abortionists there are in this city? A. Well, there are probably about to-day, probably 200; that advertise daily you mean; probably 200 that advertise daily one way and another; as near as my judgment goes.

Q. There are some questions, doctor, which I would very much like to ask you to-night, and very important questions, more important possibly than any that have preceded, or any that I have asked you; but while these two indictments are over your head I do not feel that I would be justified in asking you these

questions and having them on record; I ask you to state this fact, if it be so; do you remember that I urged you several times to see and have those indictments tried? A. Yes, sir.

Q. So that you could testify freely and without any obstacles in your way before this committee? A. Yes, sir.

Q. And it was under our advice, was it not, and urgings that you tried to have your indictments tried or dismissed? A. Yes, sir.

Q. And notwithstanding the fact that these indictments are over your head you have come here under our subpoena to testify to-day in the manner you have testified? A. Yes, sir.

Q. Do you know, doctor, if, from common rumor or report, that these abortionists in the city have been in the habit of paying any regular sum or sums of money? A. I have heard it so rumored.

Q. Among them? A. Among them.

Q. And you have talked with many of those who had been arrested along with you? A. I don't talk with people in that business but very little; I have nothing to do with them scarcely; I meet them occasionally.

Q. They are generally known one to another? A. Yes, sir.

Senator Bradley.— May I ask the doctor a question?

Mr. Goff.— Let us hear the question, if you please, bearing in mind what I have said about the indictments over his head.

Senator Bradley.— I merely wanted to ask him what promise Pentecost made to him, and what he said about how he was going to have the indictments quashed.

Mr. Goff.— I think that would be proper, Senator.

By Senator Bradley:

Q. By what influence he was going to have them quashed? A. Well, that there was nothing in the charges.

Q. Didn't he say he had some friend in court that would accomplish this object? A. Yes; he said Judge Smyth was the man he would take me before; and Friend said the same thing; said they would rather take them before Judge Smyth; I asked them why he did not take them before — I think Smyth was out of the city; and when I had Friend, I asked Friend why he did not take them up; he said the right judge ain't on the bench yet; and I asked him who it was, and he told me it was Judge Smyth he was going to take them before; but I don't know

whether Smyth was out of the city or not at that time, I could not say; and I think that is the same fact in both cases.

Q. Was that the only encouragement he gave you for putting up your money? A. Yes, sir; I am very much pleased with Mr. Pentecost; he is quite a gentleman.

Q. So it seems; he kept his word, too; didn't he? A. Well — no.

Senator Bradley.— Well, every gentleman keeps his word, doctor.

By Mr. Goff:

Q. You mean that Mr. Pentecost in his manner and address was a gentleman? A. Well, he is an educated gentleman.

Q. And, at least, if he did not give value for your money, he gave you the treatment of a gentleman? A. Yes; the treatment of a gentleman; well, he says, he is going to refund that.

Mr. Goff.— That is fair. I have no doubt that Mr. Pentecost will do what is right.

By Senator Pound:

Q. Well, now, let us have what there is about Mr. Pentecost, so there won't be any misunderstanding about it; Mr. Pentecost got \$350 from you for legal services? A. Yes, sir.

Q. Upon a promise that a portion of it, at least, would be paid back if he was unsuccessful? A. Well, would be paid back.

Q. All paid back if he was unsuccessful? A. Every dollar of it.

Q. And he has not paid back the money, and he has not been successful; that is all there is to that branch of Mr. Pentecost? A. Yes, sir.

Mr. Goff.— Except the time within which Mr. Pentecost promised to get the thing perfected or accomplished has long past; but I am not criticising that.

By Senator Bradley:

Q. I would ask the doctor another question: Did you ever hear of Lawyer Pentecost getting any man before Judge Smyth or any other judge for the dismissal of these indictments? A. No, sir.

Mr. Goff.— I wish to call your attention, if you will pardon me, for the first time in my life before this committee that I have intruded my private personality before you Senators, and it may be the last time; and I wish to call your attention to one fact here, that the question which Senator Bradley asked, and which was answered by the witness, Dr. Whitehead, naming Recorder Smyth. I had no knowledge from this witness concerning that matter; nor did I have any knowledge before that would prompt such a question; and I wish, at least for my private, personal feelings, Senators, that you will note the question came from one of your brother Senators. If I had known it, I do not think I would have asked a question, because I have been extremely careful, as far as I possibly could, asking any questions bordering on that subject; and I in one way regret very much that the question was asked. If I had known anything of the purport of the answer that would have been made, I certainly would have asked Senator Bradley not to have asked it.

Senator Bradley.— Certainly I would say that there was nothing in my mind of the kind either. I merely asked a question which I thought was a pertinent question. I knew nothing about what judge it was when I asked the question. I merely wanted to put Lawyer Pentecost properly on record; that was my object in asking the question.

Mr. Goff.— Of course, you appreciate my position.

Senator Bradley.— I do sir; and I had no idea that the doctor would mention Judge Smyth's name, or the name of any other judge.

By Mr. Goff:

Q. I ask you now on your oath, Dr. Whitehead, did you ever mention that matter to me? A Never.

By Senator Bradley:

Q. You certainly did not mention it to me? A. No, sir.

The Chairman (Pound).— Certainly Mr. Goff's examination of this witness has been highly commendable in every particular, and Senator Bradley's question came from him as a member of this committee, and Mr. Goff had nothing whatever to do with that question; and I am sure that whatever else the distinguished jurist whose name is mentioned may be charged with, that no-



body will charge him with anything in this connection, merely because this gentleman, Mr. Pentecost, said to this witness that he was going to bring these cases before Recorder Smyth. There might have been a great many reasons why Mr. Pentecost would have preferred to bring his case before some particular judge that was perfectly proper and legitimate, so far as that is concerned; and I think we can, at the worst, draw no inference from this testimony against Recorder Smyth.

Mr. Goff.—I am glad to hear you say that, Mr. Senator; and in justice to Mr. Pentecost, I will say that the witness also testified that Mr. Friend told him the same thing as Mr. Pentecost. I am very glad that this matter is settled up. I would be very much embarrassed and hurt that any inference would be drawn from this matter that would not be justified.

The Chairman (Pound).—I do not think any one can criticise or censure you in this matter.

Mr. Goff.—Now, doctor, that will do unless Senator Pound wants to ask you some questions.

Senator Pound.—Nothing more.

Mr. Goff.—Mr. Chairman and gentlemen, we have had a pretty arduous and long session of this committee since we were convened after the summer recess. The work has been constantly prosecuted, and the smallest part of the work has been done in court. I may say here, and I think in justice, that this committee owes a great debt that money can not repay to Mr. Jerome and to Mr. Moss, and particularly of late to Mr. Moss, to their untiring industry in hunting up matters, arranging and marshalling the testimony produced before this committee. I say that now, because I may forget it hereafter, and I do not wish to let the opportunity pass when the thought suggests itself to me of the services that these gentlemen have rendered. Their loyalty and devotion to me personally is something I can not speak of, because it is really too sacred to speak of. I may say one word here, and I do not mean to comment in the line of summing up; but I may say, Mr. Chairman and gentlemen, that of all the terrible exposures that have been testified to before this committee, and that have shocked not only our city but the civilized world, I think the most terrible of all is that we have heard this afternoon. I think this committee has reached the climax of the horrible in this city.

I do not think that the people of New York, who heretofore believed generally in the public corruption in public and official life in this city, could imagine the horrible realities which have been testified to, and in my humble opinion proven not only circumstantially, but corroborated in every step by undeniable testimony. I am sorry for the sake of our city that this testimony was susceptible of being brought out in full; and it reveals to us such a condition of life in this city, and of official misfeasance as well as malfeasance that I will not attempt to express my opinion of it. I must say in justice to Doctor Whitehead that in the branch of his profession that he says he has made a specialty of and the somewhat peculiar repute concerning his name, that I was extremely careful to verify every detail. I took nothing as of course. I took nothing from him unsubstantiated; and I must say in justice to him that notwithstanding these indictments, and notwithstanding at one time his expression of fear that if he testified before this committee vengeance would be wreaked upon him—that in justice he finally said he would come forward and tell this committee truthfully, and he would come forward and give the testimony, and possibly more testimony than he has given here to-night if those indictments had been tried or dismissed before the summer recess; and his delay is being brought before you, gentlemen, was owing to the fact of his desperate endeavors that he has sworn to here, and which I think has been satisfactorily proven, to have these indictments against him tried and disposed of. There are certain reasons why I could not let the matter go any further. I think, closing as we have to-night with the longest continuous session that ever an investigating committee of this State has had by long odds, I may with propriety, in consideration of the time you Senators have given, and as I understand the engagements that you gentlemen of the profession have in your professional capacity, connected with legal business and courts next month, and for my own and my associates' sake I think I am justified in asking this evening that we now take an adjournment of two weeks from next Monday.

The Chairman (Pound).—Mr. Goff, the committee has listened with interest to your commendation of your associates, Mr. Moss and Mr. Jerome, and we are glad to testify to our appreciation of their services; but as we close this session I do not wish

the opportunity to pass by without expressing, so far as I am concerned, and I think at the same time I voice the opinion of every member of the committee, our great appreciation of the ability and tact manifested by leading counsel in the management of this investigation, and of those who have held up his hands and assisted him in the great work which he has accomplished. It has been said by a very distinguished orator that the great test of man lies in three things: Courage, purpose and endurance. Those three qualities have been displayed by you in a most remarkable manner; courage to face this great army who are interested in these bad practices which have existed here so long; purpose to root out those evils so far as lie in your power; and endurance to stand here day after day, dealing chiefly with hostile witnesses, extracting from them against their will the evidence which goes before the people, which if we should not sit another day would undoubtedly be conclusive proof to every disinterested person of the corruption which exists in the police department in the city of New York. If such labors and such services do not entitle the individual who renders them—do not make him entitled to all the rewards that can be bestowed by his fellow men—then there is indeed little encouragement for man to work thus for his fellow men. This committee will now stand adjourned until the 19th day of November at 10:30 in the morning.

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Proceedings of the fifty-ninth session of the committee, Monday, December 3, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Daniel Bradley, Edmund O'Connor, Cuthbert W. Pound, Jacob A. Cantor and George W. Robertson. John W. Goff, Frank Moss and W. Travers Jerome of counsel for the committee.

Chairman Lexow.—The stenographer will make a minute of the fact that Street Commissioner Andrews wrote a letter to the chairman of the committee with reference to the testimony taken before this committee in which he was interested, and requesting a copy of the minutes; that the chairman of the committee sent the letter to counsel. Mr. Goff, have you anything to say in reference to it?

Mr. Goff.—I replied to your letter, Mr. Chairman, and I advised you that in my opinion it was not proper under the

present circumstances and at the present time to authorize the furnishing of copies of the testimony of any witness from this stenographer to any person whom may claim to prosecute said witness, or prepare testimony, or at least give testimony in contradiction of the testimony of said witness. Further I will say, Mr. Chairman, that I have been in communication with Mr. Andrews, and I extended to him in the name of this committee at its opening session to-day the first opportunity that has offered itself of the vindication which he demanded at the close of the last session of this committee. I wrote to Mr. Andrews explaining to him that it was impossible for the committee to accord the request he made at that time by reason of the witnesses we had to examine, and the pressure of time, and pressure of business, but that the committee at its opening session would give to him that opportunity. Mr. Andrews would be here this morning in response to that invitation were it not for the fact that he is before the board of assessment and apportionment this day in regard to the estimates for the street cleaning department for this year, and I thought it was but courteous to extend to him the invitation for to-morrow, so that we may expect Mr. Andrews to-morrow; hence it is that we, in preparing our shedule of witnesses to-day, we expected to have the pleasure of Mr. Andrews' apparance the first thing this morning; and it was late on Saturday evening when he informed me of his engagement with the board of estimate and apportionment, hence it is we have had a little delay this morning in the matter of witnesses. We shall, however, be able to proceed, Mr. Chairman, with a few unfinished matters before the committee at its adjournment, some lines that we were not able to conclude. Is Mr. Charles Davis here? (Yes.) Sergeant Maine here? (Yes.) All right, sergeant. Evelyn Bell here? Will you call Evelyn Bell, Mr. Chairman?

Senator Bradley.—She is here.

Mr. Goff.—Oh, is she here! All right. Is Sergeant McKenney here? Morris Gross here? John Healey? All right Mr. Healey. Mr. McCarthy here? Mena Meyers here? (She stands up.) Lottie Miller here? (She stands up.) Mr. Listner here? (He stands up.) All right. Now I ask you, Mr. Chairman, to call Evelyn Bell. That is not Evelyn Bell. Will you direct the seargeant-at-arms to call Evelyn Bell.

Chairman Lexow.—The sergeant-at-arms will call Evelyn Bell.

The Sergeant-at-Arms.—Evelyn Bell! Evelyn Bell!

Mr. Goff.—I request, Mr. Chairman, that the committee direct that the case of Evelyn Bell, subpoenaed for this morning, be submitted to the grand jury.

Chairman Lexow.—The stenographer will make the note upon the minutes accordingly. You will note she was called at 12:05 p. m., and failed to respond, and that the committee authorize the submission of the matter to the grand jury.

Mr. Goff.—Officer Martin Kehoe. Officer Masterson. (Here.) Officer Lotty of the Fourth precinct. (Here.) You three officers will stand excused until to-morrow. We will relieve you until to-morrow at half-past 10 o'clock. Frank Kanuta. (Here.) We will excuse you from subpoena until to-morrow morning. Do not fail to be here.

Chairman Lexow.—You understand you are relieved from attendance to-day until to-morrow morning until half-past 10 o'clock.

Mr. Goff.—Mr. Krier. (He stands up.) James Hadigan. (Here.) Is Mr. Krier here? Is Mr. Lewis here? (The witness rises.) Mr. Seagrist.

August L. Louis, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. Mr. Louis is a man of some business engagements and he requests to get away; he is out of his order; I want to put some few questions to him; you are a butcher, Mr. Louis? A. Yes, sir.

Q. And you are the man in whose name the license for the Tortoni is now? A. Yes, sir.

Q. You are the butcher that supplied Madam Chaude with meat? A. Yes, sir.

Q. Were you ever in any other business but that of a butcher? A. Never.

Q. Where do you reside? A. No. 130 East Forty-fifth street.

Q. And where is your butcher shop? A. No. 707 Ninth avenue.

Q. How did you come to make an application for a license for the Tortoni restaurant? A. I was supplying the house with the

meat, and one day Mrs. Chaude came to me and asked me as a special favor if I would take her license out; well, I said, "Yes."

Q. Anything else happen? A. That is all I know of.

Q. And that is all that happened? A. That is all I know of.

Q. Let us see if you can not refresh your memory; did you sign any papers? A. I don't remember; at that time?

Q. Yes? A. No; I could not remember that.

Q. Did you receive any papers from Madam Chaude? A. No, sir.

Q. Didn't you go before the excise commissioners? A. Yes; I went to the excise commissioners.

Q. Didn't you sign a paper there? A. I could not remember.

Q. Were you sworn there? A. I guess I was.

Q. What did you swear to? A. I don't remember what I swore.

Q. Don't you remember what you swore to; what questions were asked you? A. No sir.

Q. Did you understand what was said to you? A. I don't remember that.

Q. Have you no recollection whatever that you swore to anything there? A. I can not recollect that.

Q. Who was with you? A. I don't know; I don't remember.

Q. Was Madam Chaude with you? A. No; she was not there.

Q. She was not with you? A. No, sir.

Q. Did you pay the money for the license? A. I can not remember.

Q. Don't you know whether you paid the \$200 or not? A. No; I can not remember that.

Q. What? A. No; I can not remember that.

Q. Your memory is a blank; do you understand me? A. Well, it is so long, you see.

Q. How many years is it since? A. Seven or eight years; something like that.

Q. Don't you remember whether you were the licensee of that place or not? A. No, sir.

Q. But the license is in your name to-day? A. Yes, sir.

Q. Very well; how is it that that license come to be in your name when you do not own the place? A. Well, I don't know how it was done at that time.

Q. What? A. I can not really recollect; when they asked me to take the license somebody said to me, just as a matter of form, I guess.

Q. Who was the somebody? A. I don't remember who it is.

Q. Well, we will see, and refresh your memory before we are through with you.

By Chairman Lexow:

Q. Did you do it for anybody else; did you ever take a license for anybody else? A. Before; no sir.

Q. Or since? A. No, sir.

Q. It must have impressed itself upon your mind whether you did it for the first and only time? A. It is so long; I never knew anything about licenses; I never took any license except that.

By Mr. Goff:

Q. You have gone down to the excise board every year since that time to take out a new license for that place, haven't you? A. Yes, sir.

Q. And you have signed a paper every year? A. Yes, sir.

Q. And you have sworn every year that you were the owner of it? A. Yes, sir.

Q. And who has given you the money to pay for the license—\$200—each year? A. The license was—

Q. Who has given you the money to pay? A. It was the manager gave me the money, Mr. Lambertz.

Q. The bookkeeper for Madam Chaude? A. Yes, sir.

Q. It was not your money? A. It was not mine; no, sir.

By Chairman Lexow:

Q. You did not own the place? A. No, sir.

Q. You had nothing to do with it? A. Nothing at all.

Q. And you swore you owned the place? A. I did not know at that time how it went.

Q. You mean to say every year you swore you owned that place? A. I never got anything off it.

Q. No? A. Except I supplied the house.

Q. You committed perjury every year for seven or eight years past; do you mean to say you do not remember any of the details with reference to the case in which you have been committing systematic perjury? A. Not at that time; I do not recollect that time.

By Mr. Goff:

Q. Don't you remember you made an oath at the excise board in which you first applied for a license there, in which you swore you were the owner of the place? A. I was told to say that.

Q. Who told you that? A. I don't remember.

Q. You knew that was false when you said it, didn't you? A. The way they told me—

Q. Answer my question; you knew it was false when you said it? A. Well, it must have been false then.

Q. You knew it was false? A. No; I don't exactly—

Q. When you swore you owned the place, and you knew you did not own the place, you must have known your oath was false? A. I did not take it in that light anyway.

Q. Never mind the light you took it in? A. I was told—

Q. Never mind what you were told? A. That is all I can tell you.

Q. Oh, yes, you will; you will try and find speech a little more free for that; now, answer my question; at the time that you took the oath before the board of excise that you were the owner of the Tortoni restaurant, kept by Madam Chaude, a house of ill-fame and assignation— A. I did not know that—

Q. I am not asking you that; you knew you did not own that place; you swore you were the owner, and didn't you know you were taking a false oath; you might as well acknowledge it? A. I acknowledge it; if I knew it; if I understand the thing.

Q. You are an intelligent man? A. Not to this business.

Q. You mean to say you were not intelligent enough; now this is not a laughing matter? A. No; I do not think it is a laughing matter.

Q. I do not think you will find it a laughing matter; please do not look upon it as a laughing matter to go and openly take false oaths every year; do you know what perjury is? A. No, sir.

Q. What? A. I never perjured—

Q. Do you know what perjury is? A. No, sir.

Q. How long have you been in America? A. Twenty odd years.

Q. You are a citizen? A. Yes, sir.

Q. Have you served upon juries? A. Yes, sir.

Q. How many times? A. Once or twice, I guess.

Q. In what court? A. That is years ago.

Q. In what court did you serve? A. I don't remember.



Q. Was it in civil courts? A. I think—I don't know; I don't remember.

Q. Was it in criminal courts? A. No, sir; it was not in any criminal courts.

Q. In what building was the court situated? A. I don't know if I served in any jury; I don't really remember.

Q. You have sworn you did a few times? A. I was in—I used to belong to the militia here.

Q. And you registered and voted? A. Yes, sir.

Q. What regiment did you belong to? A. I used to belong to the Second Light Battery.

Q. National Guard? A. Yes.

Q. Did you serve your full term of seven years there? A. No.

Q. How long did you serve? A. I served four years, I guess, and I came back from Europe.

Q. What? A. I think I served four years, or four years and a half.

Q. And you have voted every year, I presume? A. Not exactly every year.

Q. You have not missed many years, or you would not have been on the jury list? A. I don't know how many times I voted.

Q. Yet you tell us—20 years residence in America, you have been a member of the National Guard, you have served on juries, you have exercised the duties of a citizenship—and you tell us you do not know what perjury is; is that the fact?

By Chairman Lexow:

Q. Is that true? A. I did not undertake it that way.

Q. Do you know what perjury means, what it is; don't you know it means false swearing? A. Yes.

Chairman Lexow.—I think he has got sufficient intelligence to know whether he committed perjury or not.

By Mr. Goff:

Q. That is your signature; is it not (showing witness paper)? A. Yes, sir.

Q. That is your signature? A. Yes.

Mr. Goff.—Mark the paper as that on which the witness has identified his signature.

(Paper marked, Exhibit 1, December 3, 1894. L. W. H.)

By Chairman Lexow:

Q. Don't you know this is a serious matter for you; don't you know the penalties of perjury? A. No, sir.

Chairman Lexow.—Counsel might as well tell the witness what the penalties are. The penalty of perjury is 15 years in the State's prison.

Senator Bradley.—Seven times 15.

By Chairman Lexow:

Q. Do you understand you have been committing a crime here according to which you might be sentenced to that length of time in State's prison; do you understand that? A. Yes, sir.

Q. You do not seem to indicate any degree of responsibility for it? A. I did not understand the thing or I never would have done it; it was no benefit to me; I thought I would do a favor to the party who asked me; I did not do those things to benefit myself.

By Senator O'Connor:

Q. Did you understand when you were signing these applications that you were swearing that you were the owner of the place? A. Yes, sir; I did understand in one way; but the way the people explained to me, that I hadn't anything to do, but it was merely a matter of form.

Q. When you swore to the affidavit you knew you were not the owner of the place, didn't you? A. I was not; because I never received a cent from there.

Q. How did you come to swear you were; did you do it just for accommodation? A. I was just told to say that.

By Chairman Lexow:

Q. Who told you to say that? A. I don't remember who it was.

Q. Did more than one person tell you to do it? A. Yes.

Q. Did the person who told you to do it know that you were not the owner of the property? A. Certainly.

Q. Certainly; and said it was simply a matter of form? A. Simply a matter of form.

Q. Do you remember whose those persons were? A. I can

not remember very well; if I see them I could probably remember.

By Senator O'Connor:

Q. It is much to your interest that you remember? A. I remember when somebody came in my shop and I was told it was just a matter of form; I haven't a mind to go in any business but the butcher business.

By Chairman Lexow:

Q. Did it occur to you that it was rather peculiar that this matter of form had to be gone over seven years consecutively? A. I did not think of that.

Q. And that each time you had to swear to an affidavit which you knew was false at the time you swore to it? A. I did on the—

By Mr. Goff:

Q. Now listen to me; "City and county of New York, ss.: August Louis, being duly sworn, deposes and says that he is an applicant for a hotel license for the premises No. 265 Lexington avenue, which premises were formerly licensed in the name of Louise Chaude; that on the 15th of November, 1887, deponent purchased from the said Louise Chaude all her right, title and interest in the said premises, and the business therein conducted, as well as the stock and fixtures therein, for which deponent paid her the sum of \$3,000." Is that true—that I have just read—answer me yes, or no? A. I don't remember seeing that.

Q. Answer me yes, or no; is what I have read to you, or was it true at the time you swore to this affidavit? A. I can not remember.

Q. Did you ever pay Madam Chaude \$3,000 for her place? A. No, sir.

Q. Did you ever buy from her "all her right, title and interest in the premises and the business therein conducted?" A. No, sir.

Q. What? A. No, sir.

Q. You never paid her any money or any consideration? A. Never.

Q. And when you swore to that, Mr. Louis, you swore to what was untrue? A. Why, I must have then.

Q. You go on to say in this affidavit that, "Thereupon said Louise Chaude made, executed and delivered to the deponent a bill of sale duly acknowledged, transferring to deponent all her right, title and interest as aforesaid, which bill of sale is now on file with the board of excise;" did Louise Chaude give to you a bill of sale? A. No, sir.

Q. So that is not true either? A. I did not get any.

Q. That was not true when you swore to it, that you got a bill of sale from her? A. I did not get any bill of sale.

Q. "Deponent further says that the said Louise Chaude has no interest whatever in the said premises or business or the profits thereof, and deponent intends to carry on such business solely for his own benefit;" now, you never had any interest in the profits of that business? A. No, sir.

Q. And you, at that time, when you made this affidavit on the 19th of December, 1887, you did not intend to go into the business there, did you? A. No, sir.

Q. You did not intend to derive any profit at all from it? A. Just to supply the meats for the house.

Q. You did not intend to derive any profit from the sale of liquors there? A. No, sir.

Q. Or from the supper-room business? A. No, sir; I did not know anything about that.

Q. You did not intend to go into business there? A. No.

Q. Now, you say that Madam Chaude never delivered to you a bill of sale; you say that Madam Chaude did not deliver to you a bill of sale? A. No, sir; I did not see any.

Q. What? A. I have not seen any.

Q. Did you receive it? A. I never received one.

By Senator Pound:

Q. Or saw one? A. I could not remember that, whether I saw any paper.

By Mr. Goff:

Q. Here is a paper which says, in effect, that Louise Chaude, of the city, county and State of New York, for, and in consideration of the sum of \$3,000 lawful money of the United States to her in hand paid at the ensembling and delivery of these

presents by August Louis of the same place, which she acknowledges the receipt of; that is not true; is it? A. I did not get any money.

Q. Nor you did not give her any money? A. No, sir.

Q. She says she received \$3,000 from you? A. I did not give her any money.

Q. And for that \$3,000 she sold to you the furniture, fixtures, utensils and everything in the hotel known as the Maison Tortoni, situated on the northeasterly corner of Thirtieth street and Lexington avenue; there is no truth in that, is there, that you bought all the utensils and cooking implements and tables, and chairs, and bar fixtures, and bar, and furniture there; there is no truth in that? A. I never bought anything there.

Q. And this paper which purports to be executed by Madame Chaude and acknowledged before a notary public was never handed to you, was it; did you ever see it; did you ever see that paper? A. I don't remember.

Q. Look at it now, and see if you ever saw that paper? A. I don't remember it.

Q. You swore it was on file at the board of excise? A. I never read it and don't remember it.

Q. You say you never read it? A. I don't know if I seen it.

Q. Now, after you made this oath before the board of excise were you visited by an excise inspector? A. Yes, sir.

Q. Who was the excise inspector? A. I don't remember the man.

Q. What did he visit you for; what did he visit you for? A. I can't recollect.

Q. Oh, now, see if you can not refresh your memory a little; you remember he visited you; what did he visit you for? A. There was a man there, or two; I can not remember who it was.

Q. What did you tell the excise inspector when he visited you? A. I can not remember that.

Q. Do you remember him asking you if you owned the Tortoni establishment? A. I can not recollect it.

Q. What? A. I can not recollect that.

Q. Will you swear you did not tell him you owned it and intended to run the business there? A. I could not swear to that; I don't remember those things.

Q. Did you tell him the truth, that you were not the owner of

the place? A. I don't remember what I told him; I could not recollect that.

Q. But you remember him visiting you? A. I say there was a man there once or twice.

Q. He said, I called on A. L. Louis at his place of business, 265 Third avenue, this morning;" was that your place of business then? A. Yes, sir.

Q. That is true; "and was informed that he is the proprietor of the hotel above mentioned, having purchased it from the former proprietor, and that he purposes continuing the business;" did you ever inform the inspector that? A. I can not recollect.

Q. Will you swear you did or did not? A. I can not swear to those things; I don't remember.

Q. You don't remember? A. No, sir.

Q. Well, you remember that every year since then, about December in each year since 1887, you have gone down to the board of excise, and that you have sworn that you were the owner of that place? A. Yes, sir.

Q. And you have asked for a license? A. Yes, sir.

Q. And you were not the owner of the place at any of the times since 1887, at which you swore you were the owner; you were not the owner of the place? A. I was not; I never was the owner.

Q. Did Madam Chaude say anything to you about having to pay money to obtain that license? A. No, sir.

Q. Why are you so clear about that, when your memory fails you on other things? A. She never told me anything about those things to me.

Q. How do you know, when your memory fails you about the other matters; how do you know but she did tell you? A. About getting the license every year?

Q. No; when you first applied? A. I can not recollect what she said.

Q. Didn't she tell you she had to pay for it? A. I don't think so; I don't remember those things.

Q. You would not swear she did not tell you? A. No, sir.

Q. Where is Madam Chaude now? A. The last time I saw her was last Tuesday.

Q. Where? A. In her house.

Q. You yet serve that house with meat? A. Yes, sir; and go and collect bill every Tuesday.

Q. How often did you collect your bills? A. Only once a week, sir.

Q. Here is an application that you signed; that is your signature (showing witness paper)? A. Yes, sir.

Mr. Goff.— Mark that application as identified by the witness as containing his signature.

(Application marked Exhibit 2, Dec. 3, 1894, L. W. H.)

Q. That is your signature, isn't it? (Showing witness another signature.) A. I don't know about that one.

Q. This one is; look at that again? A. Yes.

Q. Now, then look at this (showing second signature)? A. I don't know.

Q. You won't deny that is your signature, will you? A. Well, I don't know — I don't know what to make of it, your honor.

Q. Will you swear this is your signature or not, which? A. I could not swear to that.

Mr. Goff.— He says he can not swear to the oath of the application as his signature. Mark that for identification.

(Marked Exhibit 3 for identification, Dec. 3, 1894, L. W. H.)

Q. Here is your application to the excise board, Mr. Louis, for this license? A. For which; the last one?

Q. Yes? A. Yes.

Q. The one you have identified by your signature? A. Yes, sir.

Q. That is your application for a license in 1887; you said here, Mr. Louis, that there was no bar in the place — in your application — was that true? A. There is no bar; I never saw a bar there.

Q. You never saw a bar there? A. No, sir.

Q. You state, "There are in connection with the hotel, 24 sleeping rooms," do you know that? A. I do not know how many rooms there is, sir.

Q. You said that, "The premises have been licensed 10 years;" do you know how many years it had been licensed? A. No, sir.

Q. You said that, "Louise Chaude, the former licensee, has retired from that place;" was that true? A. I don't remember saying that.

Q. But you have sworn to it here? A. I don't remember.

Q. Was that true, that Madame Chaude had retired? A. I don't remember that, your honor.

Q. Was it true that she had retired from that place at the time you made the license? A. I never saw her retire; she was always there.

Q. She has been there ever since? A. Yes, sir.

Q. She did not retire at that time? A. No, sir.

Q. You say that the premises were owned by Thomas Cahill; do you know Thomas Cahill? A. No, sir.

Q. You say the applicant paid rent to Thomas Cahill, the landlord? A. No, sir.

Q. You say here that the premises were never reputed as disorderly; was that true? A. I never knew anything about the place.

Q. So far as you knew? A. Yes.

Q. You say here that you have paid an internal revenue tax of \$25; was that true; did you pay an internal revenue tax of \$25? A. I never paid a cent.

Q. Did you ever appear before Commissioner Andrews of the excise board? A. No, sir.

Q. You never appeared before Commissioner Andrews; let me read to you what Commissioner Andrews says on the application: "The applicant in this case is a respectable merchant carrying on a large meat business, 265 Third avenue; he wishes to conduct this place as boarding-house and restaurant." Is that true? A. Well, I don't remember to see anything like that.

Q. "He is personally vouched for by Judge Andrew J. White." Do you know Judge Andrew J. White? A. No, sir.

Q. Now, Judge White is in the court-room here; will you pick him out; just stand up and look around, and see if you can pick out Judge White? A. I could not pick out Judge White; I do not believe I know him.

Q. And you have never seen him to your knowledge? A. No, sir.

Q. And you would not know him if I told you who he was, or called him up here? A. I might see the man may be, but I could not recollect his name, or anything like that.

Q. You cannot identify him now? A. No, sir.

Q. Mr. Commissioner Andrews goes on and states: "There is no reason why the place should not be licensed to a respectable person to do a respectable business, the former licensee having no connection with the place, as appears by the affidavit attached." Mr. Andrews signed that; and you say you never went before Mr. Andrews? A. I never saw Mr. Andrews.



Q. Do you know Mr. Andrews? A. No, sir.

Q. Excise Commissioner Andrews? A. No, sir.

Q. Now, Excise Commissioner Andrews is in the room at the present time; will you point him out for me; look around? A. I cannot point him out; I don't know the man.

Q. And this whole matter connected with the license of this restaurant and disorderly-house has been procured by an annual commission of perjury on your part; isn't that the truth, since 1887, for seven years. A. I could not see it in that light, your honor.

Q. But you have sworn every year you were the owner of this place, that you were conducting a respectable business in it, and you have got that license every year upon that false oath; isn't that the truth? A. The first time—

Q. Now is not that the truth? A. Well, it must be.

Q. Yes, it must be the truth; Well, I think we will see you later, Mr. Louis; do you wish to ask him any question?

Chairman Lexow.—That is all, witness.

Mr. Goff.—You may be here to-morrow, Mr. Louis.

The Witness.—Shall I be here?

Mr. Goff.—Yes; be here.

Michael Ryan, called as a witness, on behalf of the State, being duly affirmed, testified as follows:

By Mr. Goff:

Q. Why did you disobey the first subpoena that was served upon you? A. I never was served with one.

Q. Do you want to say you were not served in your house one morning before last summer? A. I never was served with a subpoena in my life.

Q. Will you swear you were not served; will you answer my question? A. I will answer in my own way.

Chairman Lexow.—Answer the question as it is put properly.

Q. Will you swear here that one morning before the adjournment of this committee for the summer recess that you were not served in the house where you then resided with a subpoena from this committee? A. If you will let me explain the matter—

Q. No, sir; I will not.

L.

By Chairman Lexow:

Q. Were you served or not? A. There was a paper thrown in the door to me; I never was served with a subpoena.

Q. You answer you were not served? A. I answer this way: There was a paper thrown in the door to me that was half open; and the man threw in a paper to me; and I took it up; and there was a subpoena; that is what I will swear to.

By Mr. Goff:

Q. A subpoena directed to you? A. Yes, sir; but it was thrown in the door to me; it was not handed to me.

Q. If that man that served that subpoena, or put it in there, makes oath, as he has made oath, that he served that subpoena personally upon you as you were coming out of your door that morning, does he take a false oath? A. He do, sir; I was not coming out of my door.

Q. He has perjured himself? A. Yes; I know he has.

Q. Did you see the man? A. Yes, sir; I saw a man; a tall gentleman.

Q. Would you be able to recognize him? A. I don't know whether I would or not; he was a tall man; he asked me as I opened the door, said he: "Does Mr. Ryan live here;" I said: "He comes here sometimes;" and that is a remark I made to him; and the door was half open; and he threw the subpoena in the door; and that is all there was to it.

Q. You mean to say that after this man asked if Mr. Ryan lived here, you said, "He comes here sometimes," and then the man thrust in the subpoena, without saying another word? A. Yes; he said that is for you, throwing it in the door.

Q. Didn't it touch you personally? A. No, sir; it did not.

Q. Did you refuse to accept it? A. No, sir; I did not.

Q. Didn't he tell you that you were Mike Ryan, and this subpoena was for you? A. That is what I told you, Mr. Goff.

Q. Didn't he say, "You are Mike Ryan, and here is a subpoena for you?" A. Here is what he said to me.

By Chairman Lexow :

Q. Did he or not say what Mr. Goff's question implies? A. He said, this is for you.

Q. Will you answer yes or no to a question of that kind? A. If you will allow me to explain.

By Mr. Goff :

Q. No? A. Just repeat the question.

Q. Didn't the person who had that paper say to you, "You are Mike Ryan, and here is a subpoena from the Senate committee for you;" will you swear he did not say those words?

A. He might have said there was a subpoena for me; but he did not touch my person.

Q. I did not ask you that now; will you swear that he did not say the words I have just uttered? A. No, I will not swear to that; I am not positive whether he said so or not.

Q. You will not deny he said those words? A. To the best of my knowledge he did not say those words to me.

Q. And when he said those words to you did he not put the subpoena upon your arm? A. No, sir; he did not, Mr. Goff; no, sir; no, sir.

Q. Do you mean to say because you let the subpoena fall upon the floor there was not a service upon you? A. I did not let it fall; it was thrown on the floor.

Q. Were you looking at the man when he asked you if you were Mr. Ryan? A. Yes, sir; I had the door half open.

Q. And the door was open far enough to enable you to see the kind of man that served the paper? A. It was open half a foot.

Q. It was open far enough to see the man and his appearance that had the paper; you describe him as a tall man? A. Yes, sir; I could not tell him if I saw him now.

Q. Kind of innocent looking? A. I don't know sir; I know he was a tall man; that is all I know about it.

Q. You knew his height? A. I should think he was five feet nine or ten.

Q. Taller than you are? A. Yes, sir.

Q. And the door was open far enough to enable you to see his height? A. Yes, sir.

Q. When the door was opened didn't he put that subpoena upon your person? A. No, sir; he did not.

Q. And after it fell, we will say; he threw it on the floor, after it got to the floor you picked it up? A. I picked it up afterward; yes, sir.

Q. You first took care to shut the door? A. Yes, sir.

Q. And you opened the paper and saw it was a subpoena from this committee? A. Yes, sir.

Q. You saw it was addressed to yourself? A. Yes, sir.

Q. Why didn't you come here? A. Well, I—I didn't care about coming here; that is all.

Q. And that subpoena, you say, it notified you to be here before this committee at a time subsequent to the time you read it? A. I did not know the committee wanted me for anything.

Q. You saw that that subpoena called for your attendance before this committee at a time subsequent to the time when you read this subpoena? A. I did not read—

Q. Wait a while; didn't you see that on the subpoena? A. I saw it was a subpoena; I did not read the contents of it.

Q. Did you know when you were called, what time you were called here? A. I really don't know.

Q. Don't you know that you were subpoenaed to come the following Monday; that was on Monday, and you were subpoenaed to come the following Monday; that I don't know; it is so long I have forgotten all about it.

Q. It was only last spring, the early part of the spring.

By Chairman Lexow:

Q. How did you know it was a subpoena, if you did not read it through? A. It said subpoena on the face of it, and I knew that is what it was.

Q. Will you swear that your knowledge of that fact, that it was a subpoena was derived from reading the word "subpoena" on the back of the paper? A. Yes; I think that is it.

Q. Will you swear to that? A. I am not positive; I think it was; I was almost certain it was a subpoena from the subpoena.

By Senator Bradley:

Q. You say you heard there was a subpoena out for you? A. Yes, sir.

By Chairman Lexow:

Q. Is it not a fact you read that paper through? A. I did not, sir; no I did not read it through; I heard it rumored all around.

Q. What was there about that paper that indicated to you that that was a subpoena? A. Mere rumor and what I saw on the back of it.

Q. Was it rumor or what you saw on the back of the paper?  
A. With rumor and what I saw on the back I was positive it was a subpoena to go before this committee.

Q. Your recollection of it is now, that you saw something on the back of that paper which indicted to you that it was a subpoena? A. Yes, sir.

Q. Did he see the words printed? A. To the best of my knowledge I think there was on the back of the paper.

Q. Have you got that paper? A. No, sir; I have not; now, if I tell you there is nothing printed on the back of it indicating it was a subpoena — I don't know.

Q. Whatever you say? A. Well, I might be mistaken; I think I read on the back or front of it that was a subpoena.

Q. Didn't you read the paper through? A. I did not read it all through, no, sir.

Q. How much did you read? A. I might have read the first page.

Q. The first page? A. Yes, sir; I think there was something on the back; I did not read the whole of it down; I did not read it all through.

By Mr. Goff:

Q. You said that Mr. Ryan called there sometimes, did you not? A. Yes, sir.

Q. And you said that for the purpose of deceiving the man that had the subpoena? A. Beyond a doubt.

Q. Did you know that you were committing a crime when you were doing that? A. Not that I know of.

Q. But you intentionally practiced the deception for the purpose of throwing him off? A. I don't know about that.

Q. Didn't you intentionally —? A. Why certainly I did.

Q. You said you read the first page? A. I read part of the heading of it; that is what I read on the inside or outside; I don't know; one or the other; read down to where my name was in it; that was it.

Q. What did you do with the paper? A. Tore it up.

Q. There and then? A. Yes, sir.

Q. You tore it up? A. Yes, sir.

Q. Did you know that in tearing up the process of this committee that you committed a misdemeanor? A. I did not, sir.

Q. We will take pains to impress that upon your mind? A. All right; I did not.

Q. You endeavored to get away this morning? A. Me?

Q. Yes? A. No, sir; I did not.

Q. You were in the court-house here by accident; you did not expect to be subpoenaed here, did you? A. I did not.

Q. You thought you could visit the sheriff's office with perfect safety? A. I have been around New York every day.

Q. But you thought you could visit the court-house this morning with perfect safety? A. I have been here a dozen of times.

Q. In the committee room? A. No, sir; I have been down stairs; I have been in New York ever since.

Q. And you never notified any of the counsel or any of the Senators of this committee that you were ready to come here? A. No; I did not think it was my duty to do so.

Q. Mr. Ryan, you have sworn here that you were told that it was a subpoena for you; and that you read the subpoena to know it was for you, as an honest man, why didn't you obey that subpoena if you had nothing to secrete? A. I have nothing to secrete.

Q. Or suppress; if you had nothing to secrete or suppress, why didn't you come here? A. I did not care about coming here; that was all.

Q. You did not care about coming here this morning when you were subpoenaed? A. Yes I did; I told him, says I —

Q. You wanted to get away? A. I did not.

Q. Did you say, "Can't I go away, and I will make an appointment with you;" didn't you say that to Mr. Kearney? A. I told Mr. Kearney I have an appointment here; will you allow me about fifteen minutes in the court-room, and I will go upstairs with you.

Q. An appointment where? A. Down stairs, with a gentleman friend of mine.

Q. Where? A. Down stairs.

Q. Down stairs is a large place? A. In front of the sheriff's door there.

Q. Who was the gentleman friend of yours? A. I decline to answer.

Q. Oh, yes, you will answer? A. I do not think it is necessary.

Q. Never mind what you think; we think otherwise; we do not feel under any particular consideration or obligation for you,

a man that has been under contempt as you have been? A. I don't think I ever was.

Q. Who was your friend you wanted to meet here this morning in the court-house? A. I decline to answer that question.

Q. Upon what ground do you decline to answer? A. Because I do not want his name brought in with me in publicity.

Q. You decline to answer on the ground that it will convict you of a crime? A. No.

Q. Do you decline to answer on the ground that it would tend to disgrace you? A. No, sir; the reason I decline to answer that question —

Q. I am not asking for any other reasons than those I have asked you; now we are here with you, Mr. Ryan; how long have you been engaged in the criminal business of green goods? A. I do not understand what you mean by green goods.

Q. Have you every been engaged in the green goods business? A. I decline to answer.

Chairman Lexow.—Do you want to perfect the record in reference to the other matter first.

Mr. Goff.—In regard to the person whom he desired to meet here this morning.

Chairman Lexow.—Yes; the witness is directed to answer the question.

By Mr. Goff:

Q. Now, you having answered, Mr. Ryan, that to give the name of the person with whom you had an appointment in the court-house this morning, would not tend to convict you of a crime, or tend to disgrace or degrade you in the eyes of your fellow-men — isn't that true? A. Yes, sir.

Q. Now, I ask you to give us the name? A. Well, he is my counsel, my attorney.

Q. Give us his name? A. His name is Mr. Finn.

Q. His first name? A. Daniel.

Q. Daniel Finn? A. Yes, sir; he is attorney for me; my lawyer.

Q. He is your counsel? A. Yes, sir.

Q. He is also a deputy sheriff? A. I believe so.

Q. Don't you know it? A. Yes; that is what he is.

Q. Has he ever appeared for you in a court of justice? A. Sir.

Q. Has Mr. Finn ever appeared for you in a court of justice?  
A. I never have had him personally.

Q. For whom then has he appeared? A. Well, little frivolous cases.

Q. Name me one of the frivolous cases? A. Well, I think it was a drunken case one time.

Q. What was the title of the case; was it you that was drunk? A. I decline to answer that question.

Q. You decline to answer that on the ground that it would tend to degrade you? A. It would tend to degrade me, yes, sir.

Q. It would tend to degrade you in the eyes of your fellowmen? A. Yes.

Q. Give us the name of any other frivolous case? A. I don't know of any other; he may of attended to some more.

Q. Never mind what he might; what did he do for you as attorney; what can you say, he attended that case for you —  
A. I am blest if I know; I decline to answer that question.

Q. On the ground that it would tend to disgrace and degrade you? A. Yes, sir.

Q. Were you fined? A. I decline to answer it.

Q. On the same ground? A. On the same ground.

Q. That it would tend to degrade and disgrace you? A. Yes.

Q. Were you ever arraigned before a court on that charge?  
A. I decline to answer that on the same ground.

Q. That it would tend to degrade and disgrace you? A. Yes.

Q. Did you pay any money for the penalty on that charge?  
A. I did not sir.

Q. Did any one pay money for you? A. No, sir, not that I know of; I do not really know.

Q. Was it in this city a charge was preferred? A. I decline to answer.

Q. On what ground? A. On the same ground.

Q. What is the same ground? A. Tend to disgrace me in the eyes of my fellowmen.

Q. To degrade you? A. Yes; you put it that way; put in the whole bill.

Q. Put in the whole bill? A. Yes.

Q. You are pretty sensitive about your reputation? A. I think so; yes; so is anybody that has got any feeling in them.

Q. You do not want to be degraded or disgraced before your fellowmen by an admission of a charge of drunkenness being made against you? A. No, sir.



Q. Was there ever any other charge made against you; that is drunken cases? A. I decline to answer on the same ground.

Q. On what ground? A. On the same ground.

Q. Name the ground? A. You name it.

Q. No, sir; you name it? A. It would tend to degrade and incriminate me.

Q. With what crime would it incriminate you? A. I decline to answer that question.

Q. On what ground? A. The same ground.

Q. On what ground? A. I decline to answer.

Q. You decline to answer it on the grounds on which you decline to answer my previous question? A. On the same ground.

Q. You mention that same ground; you have got to specify it; if you want to refrain from going to jail, you have got to answer the questions according to law? A. I am not a lawyer.

Q. You have a good sound lawyer advising you, in Mr. Finn? A. Well—

Q. Well, now, that is the only case that Mr. Finn ever appeared for you in; had you legal business with him this morning? A. No, sir; I did not.

Q. Social? A. Social; that is all.

Q. And do you make your social engagements with your counsel at the sheriff's office? A. Oh, no.

Q. Has he an office as a lawyer? A. Not that I know of.

Q. Where does he carry his office? A. I don't know, sir.

Q. Where did you first engage him as your counsel? A. Oh, I don't know; I really do not know; I know him from boyhood.

Q. I want to know if he has a law office, and if you went to the law office and engaged him as counsel? A. No, no, no.

Q. Did he ever appear for any person in whom you were interested? A. Not that I know of.

Q. Did you ever tell him to appear? A. No, sir; not that I know of.

Q. If you did, you would be likely to remember it? A. I do not think so; I do not think he has.

Q. I want to get your best recollection; now, is it not a fact that he is under a general retainer by you? A. No, sir.

Q. To appear in cases in which you are interested? A. No, sir; he is not.

Q. Did you ever pay him a retainer fee in your life? A. Never in my life.

Q. Is he then the only lawyer you ever retained or ever had in your life? A. Not that I know of.

Q. Have you ever had any other counsel besides Mr. Finn?  
A. I don't know as I ever did.

Q. Then we may take it that Mr. Finn has been the only counsel you have ever had in your life, and you have never paid him a retainer fee? A. No, sir; everything he done was free gratis for friendship.

Q. What is your business? A. Speculator.

Q. In what? A. Anything — everything — real estate.

Q. What was your last speculation in? A. Horses.

Q. Horses? A. Yes, sir.

Q. Well, that is a good subject; where did you buy the horses? A. I bought then in — down in Brooklyn.

Q. Does it take you so long to think? A. I bought some in Brooklyn.

Q. Your last speculation? A. My last speculation was down at the Brooklyn meeting; down at the Brooklyn track.

Q. From whom did you buy the horses? A. Well, I would have to get the paper and tell you; I bought them at auction.

Q. Who was the auctioneer? A. Blest if I can tell you; I can get the paper and pedigree for you, if you want them.

Q. How much did you pay? A. The last horse I bought, I think I paid \$1,150 for it.

Q. What was the name of the horse you brought? A. Deno.

Q. Keno? A. Deno.

Q. Deno? A. Yes, sir; I did not buy him personally; I had a man buy him for me.

Q. Who was the man bought him for you? A. His name is Johnson.

Q. Where is Johnson to be found? A. I do not know, sir.

Q. What is his first name? A. Edward.

Q. Where did you give Mr. Johnson the commission to buy this horse for you? A. Why, he was training for me.

Q. Edward Johnson was training for you? A. Yes, sir.

Q. You kept a training stable, is that it? A. I sold that out of late.

Q. At that time you kept a racing stable and Mr. Johnson was your partner? A. Yes, sir.

Q. Where is Mr. Johnson now? A. I think he is in Kentucky.

Q. You say you gave directions to Mr. Johnson to buy this horse Deno? A. Yes, sir.

Q. You gave him the money to pay? A. Yes, sir.

Q. Did you keep a bank account? A. No, sir.

Q. How did you give him the money? A. I had it in my pocket.

Q. You carry money in your pocket, without keeping a bank account? A. Yes, sir.

Q. You do not indulge in any checks? A. No, sir.

Q. You always look out for a good size bank-roll? A. Always have one of those.

Q. That is necessary in your business? A. Yes, sir; necessary to my business; in the horse business.

Q. I thought so? A. Yes.

Q. Now, how many horses did you own in your racing stable? A. I think I had about—I think I had seven; I owned half of them.

Q. Who owned the other half? A. A man named Hadlick.

Q. Is that the gentleman known as "Big Patsy Hadlick?" A. That is what he is called.

Q. Patsy Hadlick and yourself were copartners in this racing stable? A. Yes, sir.

Q. For how many years? A. Oh, for—I think it is about seven or eight months; I guess that is all; or nine months.

Q. How many years did you say? A. I did not say years; about eight or nine months.

Q. What was your business before you were in the racing business? A. Well I—was making books, etc., on the tracks.

Q. Bookmaker on the tracks? A. I was interested in the book.

Q. Gamblers? A. Yes; gambler.

Q. Let us call things by their right name? A. Yes.

Q. And you have been all your life a gambler? A. No; I have not been all my life a gambler.

Q. What occupation did you ever follow outside of gambling? A. I was in the liquor business.

Q. Any other occupation? A. Not that I know of.

Q. So your life has been made up of these three occupations, keeping a liquor store, gambling— A. Yes, sir.

Q. And keeping a racing stable? A. Yes sir.

Q. Those have been the three occupations you have been engaged in? A. Yes, sir.

Q. How old are you? A. I guess about 48 years of age.

Q. All your life in New York, Mr. Ryan? A. No,

Q. How many years have you been in New York? A. I have been, off and on, all my life, sir.

Q. You were born here, weren't you? A. No, sir.

Q. You have been here since childhood? A. Yes, sir.

Q. This has been your home; this city has been your home?  
A. Not always.

By Senator Bradley:

Q. What age were you when you went into the liquor business? A. I attended bar when I was 15 years of age.

By Mr. Goff:

Q. Have you ever been in the State prison? A. I decline to answer, sir.

Q. Have you ever been in the penitentiary? A. I decline to answer.

Q. Well, now, when I ask you if you have ever been in State prison, I do not confine myself to the State prison of New York; I mean in States prison? A. I decline to answer, sir.

Q. On what grounds? A. On the same grounds as I told you before.

Q. What are the same grounds? A. Well, I — that it might criminate or degrade me in the eyes of my fellow-men; I decline to answer the question, that is all.

Q. Well, we will find out whether you will decline or not; you decline to answer whether or no you have been in State prison; on what ground do you decline? A. It would tend to criminate me.

Q. It would not criminate you for a crime for which you have ever been punished? A. I have never been punished; I decline to answer that question.

Q. If you have been in State prison you have expiated the crime for which you went there? A. I decline to answer any such question.

Q. Therefore, your answer cannot tend to incriminate you; you cannot be punished again for the same offense; you understand that? A. It would tend to degrade me in the eyes of my fellow-men, and I decline to answer the question.

Q. It would tend to disgrace and degrade you in the eyes of your fellow-men? A. Yes, sir.

Q. To answer whether you have been in State prison in this State or any other State? A. Yes, sir.

Q. Such, for instance, as Weathersfield, you know? A. I don't know.

Q. What? A. I don't know.

Q. Don't you know Weathersfield? A. No, sir.

Q. Or Moyamensing? A. I positively decline to answer your question.

Q. I thought you were excepting those two places? A. No, sir; I am not excepting those two places, or any place.

Q. I want to be fair with you? A. I will be fair with you if you will be fair with me.

Q. And Crow Hill, for instance? A. I decline to answer any such question.

Q. Or Snake Hill? A. I decline to answer any such question.

Q. Or lovely Auburn; sumptuous village of the plains? A. I decline to answer any question put to me; I decline to answer in regard to that question.

Q. In regard to State's prison or the penitentiary? A. Yes, sir.

Q. How old were you when you first visited one of those institutions? A. I decline to answer that question.

Q. You decline to answer that question? A. Yes, sir.

Q. On the ground that it would tend to criminate and degrade and disgrace you; is that it? A. Yes, sir.

Q. Did you ever know Mr. Brockway when you were a young man? A. I decline to answer any such question.

Q. You know the man I refer to? A. I don't know nothing about him.

Q. You have heard of him? A. Through the press.

Q. He is that gentle, fraternal man up at the reformatory? A. I don't know nothing about him, sir.

By Chairman Lexow:

Q. Then why does it tend to degrade you? A. I don't know him.

Senator Lexow.—The law gives you the right to refuse to answer certain questions, when they would tend to degrade you in the eyes of your fellow-men, or your answers would incriminate you; you are entitled to an exception in those respects; but where the answer would not have either of those effects, you must answer or make yourself amenable to contempt.

The Witness.—I do not know him; that is all.

By Mr. Goff :

Q. Don't you know, Mr. Ryan, that the average man would just as soon admit the thing, as to say that his refusal to admit it was based upon his fear of being degraded or disgraced; don't you know that; as an intelligent man you know that?  
A. I don't know that.

Q. Don't you know it is as bad in the eyes of your fellowmen to refuse to answer such questions, as it is to admit them; don't you know that? A. No, sir.

Q. You do not think so? A. I do not think so; no.

Q. Well, have you any objection to state the crimes for which you went to State's prison? A. I decline to answer that question.

Q. But you paid the penalty of those crimes? A. I decline to answer that question.

Q. Don't you know you can not be punished again for those crimes? A. I decline to answer that question.

Q. Do you decline to answer that on the ground that it would tend to criminate and degrade and disgrace you? A. I decline to answer.

Q. Those are the grounds, are they? A. Yes.

Chairman Lexow.—Just exercise a little discretion about your answer, because you have had no reason to refuse to answer the last question at all.

Mr. Goff.—Now, Mr. Chairman, I ask you now that you will instruct the witness the rule of law on the subject that protects a witness, or at least excuses him from answering questions, so Mr. Ryan will understand it.

Chairman Lexow.—I instructed the witness before, that when the answer to a question would tend to degrade you in the eyes of your fellowmen, or where your answer would incriminate you and make you liable to indictment, in either of those two cases you may claim immunity and refuse to answer, but only under those grounds. In other words, if in neither case it would tend to degrade you in the eyes of your fellowmen, or incriminate you, or indictment would be had against you, you are not excused to answer; and make your discrimination very carefully, as it may be used for your indictment, if you do not answer.

By Mr. Goff :

Q. The chairman having instructed you, and you being an intelligent man, no doubt you thoroughly understand what he says, and understanding that, I want to ask you, Mr. Ryan, if you were engaged in any other business than the three occupations you have mentioned? A. I have been engaged in a good many business.

Q. I would like to hear you now? A. That is all the business I know of; the gambling houses, etc., bartending and horse dealings.

Q. We will pass over those three occupations, but there was something in the et cetera there, that you said—and so forth; what does that “and so forth” mean? A. Well, I don’t know; everything I presume.

Q. You might as well make a clean breast of it? A. A clean breast of it?

Q. Don’t you think I know what business you have been engaged in? A. I do not know as you do, or not.

Q. Don’t you think you would be more true and just to yourself to talk like a man here; you have been engaged in many occupations of life, and you are a manly fellow, and don’t you think it would be better and more manly for you to talk out with us here; we will deal fairly with you; don’t you know I know what business you have been engaged in? A. If you know, I do not know it.

Q. Isn’t it a fact you have been engaged in the green goods business? A. I decline to answer that question.

Q. On what grounds do you decline to answer that question? A. It would tend to criminate me.

Q. It would tend to criminate you of a crime? A. Yes, sir.

Q. How long have you been engaged in business? A. I decline to answer it.

Q. Were you engaged in it all the time you were gambling? A. I decline to answer that question, sir.

Q. And engaged in the city of New York? A. I decline to answer that question.

Q. How much money did you lose through “Big Patsy” when you lost the wad in Bayonne, New Jersey, a while ago? A. I decline to answer that question; I never lost the money.

Q. If you did not lose it, why do you decline to answer it? A. I decline to answer that question.

Q. You did lose some money? A. I decline to answer.

Q. Was the money you lost part of the roll you carried with you? A. I decline to answer.

Q. Have you ever had any relations with the police force of the city of New York?

By Chairman Lexow:

Q. Have you had any dealings or relations with the police force of this city? A. No, sir, I never did; no, I never had any relations with the police force.

Q. Or with individual members of the police force? A. No, sir; not to my knowledge.

By Mr. Goff:

Q. If you had, wouldn't you have knowledge of it? A. I should think so; yes, sir.

Q. Do you think your memory fails you now? A. I do not think so.

Q. Will you swear you never had any relations with the police force or any members of it in the city of New York? A. What do you mean?

Q. Business transactions? A. No, sir; I never did.

Q. You never did have any business transactions with them? A. No, sir.

Q. With any man that has been on the police force in the capacity of detective, or patrolman, or sergeant, or captain, or inspector, or superintendent? A. Not that I know of.

Q. Will you swear you never have? A. Yes, sir.

Q. Why did you say "not as I know of?" A. I never did; that settles that question.

Q. Well, that is it; answer it truthfully, Mr. Ryan; where have you resided in New York for the past five years? A. I have not resided in New York.

Q. I ask you where you resided for the last five years? A. Well, I resided in Brooklyn part of the time.

Q. Where is your residence now? A. My residence is in Brooklyn.

Q. Where in Brooklyn? A. Twenty-six Third place.

Q. Is your family there? A. Yes, sir.

Q. Your wife? A. Yes.

Q. Your children? A. I have got no children.

Q. But your wife? A. Yes, sir.



Q. You are residing there under your own name? A. Yes, sir.

Q. How long have you been residing there? A. Three or four years, I think.

Q. When you said to the man who served that paper upon you, that Mr. Ryan called there occasionally, where were you residing then? A. I was residing in Brooklyn.

Q. That was not Brooklyn? A. I understand that.

Q. Where was the place? A. I decline to answer that question.

Q. It was in the city of New York, wasn't it? A. Yes, sir.

Q. Now, I do not want to go into your private life, because I draw the line at those things; I do not care who it is, gambler or anybody else; I only want to know where your home is? A. I told you where my home is.

Q. In Brooklyn? A. Yes, sir.

Q. No matter where you have remained in New York, your home has not been in New York for several years; that is the truth? A. Yes, sir, that is the truth.

Q. Have you got any office, or any place where you transact business? A. No, sir.

Q. No office or place? A. No, sir.

Q. Are you interested with anyone in any kind of business whatever? A. No, sir, not now.

Q. How long is it ago since you were interested outside of the recent combination with Mr. Hadlick? A. I have not been interested with anyone for some time, except Hadlick.

Q. You were for eight or ten months with Mr. Hadlick? A. Yes.

Q. Outside of that, have you been in business relationship with any person? A. Not that I know of.

Q. Wouldn't you know of it? A. I have not.

Q. Why do you make answers to me "not that I know of," of matters that you should know of? A. I have not.

Q. Do you know Hadlick's brother, Patsy Hadlick's brother? A. I know two of his brothers by sight; that is all I know.

Q. Do you know the one that is in the post-office — Mike? A. No, sir; I know him by sight; I never had any dealings with him; I know him by sight; that is all.

Q. When did you last see Mike Hadlick? A. I don't think I have seen that fellow in six or eight months.

Q. After you received that subpoena up at the house, weren't you talking with him? A. Not that I know of.

Q. Will you swear you were not? A. I don't think so.

Q. Will you swear you did not go down to the post-office, and talk with Hadlick in the post-office, after that subpoena was left with you? A. Yes, sir; I will.

Q. You swear positively? A. Yes, sir.

Q. Have you talked with him since? A. I could not tell you; I am not positive whether I did or not.

Q. Did you talk with him about the subpoena? A. Never in my life.

Q. Did you tell him the subpoena had been left at your place? A. Not to my knowledge.

Q. Will you swear you did not? A. Yes, sir.

Q. Will you swear you never spoke to him after reading George Appo's testimony before this committee? A. Yes, sir.

Q. Did you have with his brother, Patsy Hadlick? A. Never had any conversation with him in my life about it.

Q. Did you have with his brother, Patsy Hadlick? A. I might have, yes; yes, I did.

Q. You remember that Hadlick's name was mentioned in Appo's testimony? A. Yes, sir, I believe it was.

Q. Do you remember your name was mentioned in Appo's testimony? A. I do not remember whether my name was mentioned in Appo's testimony or not; I think it was mentioned in Applegate's testimony.

Q. And it was mentioned in Applegate's and Appo's testimony; do you remember in what relation it was mentioned? A. Indeed, I do not.

Q. Do you remember in what relation Applegate mentioned it? A. In fact, I could not state what relation it was.

Q. Do you remember that Applegate stated you were the superintendent of a Sunday school? A. Not that I know of; I don't know what he said.

Q. Do you remember that Applegate stated that you were a blackleg? A. I don't remember; I don't know what he said; in fact, I could not repeat what he said.

Q. Do you remember that Applegate stated that you were at the head of one of the gangs of green goods swindlers in this city? A. I don't know whether he did or not; he might have.

Q. He did so. A. Well —

Q. You know Applegate? A. By sight, yes.

Q. You saw him with Jimmy McNally, the green goods king?  
A. No, sir.

Q. Do you know McNally? A. No, sir; I know him by sight; I never spoke to him.

Q. You know his business? A. No, sir; I do not; only by newspaper rumor, and newspaper notoriety.

Q. Isn't he a competitor with you? A. No, sir.

Q. Doesn't he own one-half of the city? A. I do not know anything about that.

Q. Haven't you and Jimmy quarreled over your territories in this city? A. No, sir.

Q. Do you know Captain O'Connor? A. I decline to answer any such question.

Q. What; whether you know Captain O'Connor? A. Yes; I know Captain O'Connor by sight, but Jimmy McNally I don't know anything about him.

Q. Do you know Captain Slevin of this city? A. Yes.

Q. You do not decline to answer, do you? A. No.

Q. You do not think it would tend to disgrace you if it was known by your fellow-men that you knew police captains; you do not think it would degrade or disgrace you in the eyes of your fellow-men, if you said you knew either of those police captains?  
A. I know them only by sight; no; certainly not.

Q. You are on speaking terms with them? A. Hah?

Q. I don't want your hah. A. I am a little deaf in my right ear.

Q. You are when you want to be a little deaf; are you on speaking terms with each of those men? A. How?

Q. You are on speaking terms with each of those captains?  
A. On speaking terms; no, sir; I am not; I bid them the time of day; I knew one of the captains before that.

Q. You have spoken to both of the captains? A. Yes.

Q. Which ear are you deaf in? A. In my left ear.

Q. You said the right ear and you touched the left; which is right? A. In my left ear I am deaf in.

Q. You are sure of that? A. Yes.

Q. Now, will you just swing your chair around so you can give your right ear to me? A. Yes, sir.

Q. That is it; you say you are on speaking terms with Captain Slevin and Captain O'Connor? A. I don't say anything of the kind; I have spoken to them and bid them the time of the day.

Q. As late as this morning, you spoke to Captain Slevin? A. Coming in here I nodded to him; that is all.

Q. And other police captains you have nodded acquaintance with? A. No, I don't know of any other.

Q. How much blackmail did you pay to Captain O'Connor? A. I never paid O'Connor a dollar in my life.

Q. Nor his wardman? A. Or his wardman, or any other policeman.

Q. You mean to say you have been carrying on green goods business without paying anything to the policemen? A. I decline to answer.

Q. On what ground?

By Chairman Lexow:

Q. You decline to answer that question, because you do not understand anything about green goods? A. No, sir; I do not.

Q. That is no reason; the witness is directed to answer the question.

By Mr. Goff:

Q. Answer the question? A. On account that it would tend to criminate me.

Q. Criminate you of what? A. On that ground.

Q. On what ground? A. I don't understand anything about green goods.

Q. I am not asking you that; you say you decline to answer the question on the ground that it would tend to criminate you; criminate you for what? A. For dealing in the green goods' business.

Q. Tend to criminate you for dealing in green goods business? A. Yes, sir.

Q. Very well, we have that on the record; and Mr. Ryan, you have said you do not know anything about green goods, and if you do not know anything about green goods, how could you be criminated by it? A. From what I see in the Press, and what I read, there have been men convicted for it; I do not understand what green goods business is.

Q. If you don't understand what it is, how could you be criminated by it? A. I have read of men being convicted for it, of green goods business in the papers.

Q. What man did you read about being convicted? A. For green goods.

Q. Let us hear of some man that was convicted for green goods? A. I think I read a case a year ago where a man was convicted in New York city.

Q. What was his name? A. I can not remember.

Q. What paper did you read it in? A. In the World or Herald.

Q. What court was he convicted in? A. I think it was in the United States court.

Q. Yes, in the United States court—what was his name? A. The fact is I don't know his name; I do not know what name he gave.

Q. What? A. I do not know what name he gave.

Q. There were more than one convicted, weren't there? A. I don't know, sir.

Q. Don't you remember? A. I guess there might have been a good many convicted.

Q. That was it; in the Federal court-house, in the post-office; do you know who they were? A. I do not.

Q. Don't you know they were McNally's men? A. I do not, sir.

Q. Five of them? A. I do not know, sir.

Q. You took a particular interest in that business, finding out who was convicted, didn't you? A. What I read in the papers; that is all.

Q. Do you mean to say here that you do not know what the green goods business is, as it is commonly understood; you mean to swear to that here; will you look at me straight in the eye? A. Yes.

Q. And do you recognize that there is a Supreme Being above? A. Yes, sir.

By Chairman Lexow :

Q. You do? A. Yes; yes—I think there is.

By Mr. Goff:

Q. You recognize that there is a hereafter? A. I don't know; I do not think there is; you recognize it; I don't believe in it.

Q. The wish is father to the thought? A. Yes—no.

Q. You rather wish there would be no hereafter? A. I do not think there is a hereafter.

Q. Then you do not recognize the existence of God? A. Well, I don't know; I don't think so; I think when you are dead, that is the last of you.

Q. Well, but what I ask you is you do not recognize there is a God above you, do you? A. I don't know; there is doubt in my mind.

Q. You are not sure about it? A. There is a doubt in my mind.

Q. You are an agnostic; don't say you decline to answer on the ground it would tend to degrade you? A. I do not know what it is.

Q. You say you don't know what green goods business is, and yet you decline to answer because it would degrade you; now, I ask you if you are an agnostic? I don't know what it is.

Q. Did you ever hear it before? A. Yes, I heard the word before; I can not define it to you.

Q. In what relation did you hear it before? A. I don't know.

Q. Were you ever engaged in the business of agnosticism? A. I don't understand the meaning of the word, I tell you.

Q. Were you ever in partnership with any one that was an agnostic? A. I don't know, sir.

Q. Did you ever deal in agnostic goods? A. I don't know anything about it.

Q. Did you ever retain Mr. Finn, your counsel, to defend you in a case in which you were accused of agnosticism? A. I don't know what you mean sir, by agnosticism.

Q. I ask you again, do you recognize the solemnity of that oath you have taken? A. I do.

Q. You kissed that book? A. I did not, sir.

Q. What did you do? A. I affirmed.

Q. Do you recognize that there is any supernatural or superhuman obligation upon you to tell the truth; what! A. Yes—

Q. Why do you say yes in that way; is there or no? A. Certainly there is.

Q. There is an obligation upon you to tell the truth? A. Yes, an obligation to tell the truth.

Q. Do you recognize that obligation? A. Yes, by all means.

Q. What! A. Yes, sir.

Q. And you swear you have told the truth in answer to all

my questions since you have been on the stand? A. Yes, sir; I have to the best of my ability.

Q. Absolutely you told the truth? A. Yes; to the best of my ability.

Q. Does it require an effort on your part to tell the truth when you say to the best of my ability? A. No, sir; it does not.

Q. You have had a great many associates in your lifetime in very many kinds of occupations and business? A. I have.

Q. You have always been proud of your record as a man of your word, haven't you? A. Yes, sir.

Q. Do you remember one day in a certain resort in this city, that you said to some men who were present, that you placed more reliance upon your word of honor as a man, than you would upon your oath; do you remember saying that? A. I don't remember.

Q. Will you swear you did not say that? A. I may have; I don't know whether I said it or not.

Q. Don't you know it is a fact? A. I do not.

Q. Don't you prize your word of honor as much as you would your oath? A. Every bit.

Q. And you would as soon lie on one as the other? A. No, sir.

Q. And you would? A. I believe a man's word is as good as his oath.

Q. You have been somewhat proud of your reputation for your word being good as your bond? A. Yes, sir.

Q. That was the reputation you were jealous of? A. Yes.

Q. Now, I ask you upon that oath, that you say you recognize as an obligation, and upon your word as a man, Mike Ryan, will you swear you do not know what the green goods business is? A. Ry what I read about it.

Q. Will you swear you do not personally know what it is? A. Will you define it to me? !

Q. No, sir; I repeat that question again, Mr. Ryan; will you, under the solemn obligation that you say you recognize, and on your word as a man, Mike Ryan; will you swear and say that you do not know, and that you have never taken, or had any part in the green goods business? A. I decline to answer that question.

Q. On what ground? A. On the same grounds that I told you already before.

Q. Repeat them? A. It would tend to incriminate me.

Q. It would tend to criminate you? A. Yes, sir; from what I read.

Q. Do you put that in as a ground of your refusal? A. No; it leaves it where it is; leaves it pat.

Q. I put the same question to you, and repeat in the same words, Mike Ryan, will you swear that you do not know that the police authorities in this city were ever paid any money to allow green goods men to operate in this city? A. I will swear.

Q. Will you swear you did not? A. I did not to my knowledge.

Q. What do you swear? A. I swear I do not know to my personal knowledge, that ever a policeman received a dollar in the city and county of New York in the green goods business.

Q. We have got two little things there, Mr. Ryan; you put in your personal knowledge; I did not say anything about your personal knowledge? A. I thought you meant me individually.

Q. I ask you your knowledge, outside of your personal knowledge? A. I have no right to say that.

Q. Never mind what you have a right to? A. I have, only from newspaper talk.

Q. I understand too much how the business is done; and you ought to give us credit for knowing something here; and we would not consider Mike Ryan fool enough to give the money out of his hands into a policeman's hand? A. I never gave a dollar to a policeman in my life.

Q. I do not say you did; I won't insult your intelligence by saying you gave it directly? A. Or indirectly.

Q. Will you swear you do not know, and did not know, that there was money went from the green goods business in which you were interested, to the police of this city? A. Yes, sir; I will.

Q. And that you never had any arrangement or understanding with the police? A. Yes, sir.

Q. Or anyone for you? A. No one for me either.

Q. Or anyone acting in concert with you? A. Or in concert with me either.

Q. And you swear positively you have been unable to carry on the green goods business in this city for yourself, unmolested? A. I decline to answer that question.

Q. Is it true you have been molested? A. I decline to answer.

Q. Why do you decline to answer? A. I have not been molested; what do you mean by being molested?



Q. Interfered with? A. How?

Q. Your business? A. I don't know what business you mean.

Q. The green goods business? A. I decline to answer that question.

Q. On what ground? A. On the same ground as I declined to answer before.

Q. That it would tend to degrade and disgrace and convict you of a crime? A. Yes, sir.

Q. You put that in now, do you, as the ground? A. Yes, sir.

Q. Would tend to convict you of a crime? A. Yes, sir.

Q. And your refusal is not limited to one particular transaction, is it? A. I don't know.

Q. Your refusal to answer my question is not limited to one particular transaction? A. I will decline to answer any question where it tends to degrade or incriminate me.

Q. Covering the whole wide field of transactions? A. Yes.

Chairman Lexow.—Mr. Goff, I notice it is almost quarter of 2, now. Is it your intention to continue the examination of this witness, or take a recess?

Mr. Goff.—We will take a recess, if you please.

Chairman Lexow.—Until quarter of 3. Do you want any announcement to the witnesses?

Mr. Goff.—Yes.

Chairman Lexow.—All witnesses subpoenaed for this morning will attend again at quarter before 3. The committee will stand adjourned until that time.

Mr. Goff.—We want to serve this witness with a further subpoena.

Mr. Jerome.—On the 5th of December, to attend before this body. We want you here again this afternoon. The witness is to return again this afternoon, and he is served with a subpoena for Wednesday morning.

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## AFTERNOON SESSION.

December 3, 1894.

Senators and counsel appearing as before.

Michael Ryan, recalled, and examined by Mr. Goff, as follows:

Q. Speaking of green goods, did you ever deal in material of that kind (handing witness paper)? A. No, sir.

Q. That is not the green goods we have been talking about?  
A. I don't know anything about green goods.

Q. You see it is green colored (referring to paper handed witness)? A. I don't know anything about it.

Q. Don't know anything about it? A. No, sir.

By Chairman Lexow:

Q. Do you call the same thing by another name? A. I don't know anything about it.

Q. You understand that while you were excused from answering upon the two grounds that have been stated; if you reply to a question stating something that is false and untrue you will be liable to the pains and penalties of perjury — you understand that? A. Yes, sir; I told the counsel that I declined to answer anything about green goods.

Q. Now, you said you never had anything to do with green goods? A. I decline to answer.

Q. It is on the record now that you have stated positively that you have never had anything to do with green goods? A. He showed me a paper which you put in my hand, I don't know that is about green goods, and I declined to answer.

Q. You did not decline to answer; you answered that you never had anything to do with green goods; do you want that to remain on the record in that shape? A. I decline to answer.

By Senator Bradley:

Q. Do you want to correct it? A. Yes.

Q. How? A. I decline to answer anything about green goods.

Q. You decline to answer anything about green goods? A. Yes.

Q. Upon what grounds? A. That it will tend to incriminate me.

By Mr. Goff:

Q. When you said a moment ago that you never had anything to do with green goods, did you state what was true or false? A. I decline to answer that question.

Q. Will you swear that you said what was true? A. I won't swear anything; I decline to answer it.

Q. Will you deny that what you said was false? A. I decline to answer that question.

Q. Upon what ground? A. On the same ground.

Q. What is the same ground, there are many grounds? A. That it will tend to incriminate me.

Q. How? A. In the eyes of the public.

Q. Tend to convict you of a crime, you mean? A. No; not convict me of a crime; I decline to answer on those grounds.

Q. It would affect your character? A. Yes, sir.

Q. Tend to disgrace and degrade you? A. Yes, sir.

Q. And cause the public to look upon you as a swindler and a thief? A. Yes, sir; that is the question I decline to answer.

Q. I understand you are so sensitive about your character that you do not want the public to regard you as a swindler and a thief, are you not? A. I decline to answer that question.

Q. You do not care much how the public looks upon you — is that it? A. I decline to answer.

Q. Upon what ground? A. On the same ground.

Q. What is the same ground? A. On the previous question that I answered you before; I decline to answer anything about green goods, on the ground that it will tend to incriminate me.

Q. You say you decline to answer upon the ground that you do not want the public to regard you as a swindler and a thief? A. That is it.

Q. If you did answer it truthfully the public would regard you as a swindler and a thief, is not that so? A. No, sir; I decline to answer that question.

By Senator Lexow :

Q. You answered “no, sir?” A. I decline to answer — that is it.

By Mr. Goff :

Q. You told me before recess that you had no children — is that true? A. Yes, sir, that is true.

Q. Is there not a person in this city who claims to be your son — a young man? A. No, sir.

Q. Did you ever hear of it? A. No, sir, my son is dead.

Q. When did he die? A. About four years ago.

Q. Had you only the one child? A. That is all.

Q. When were you last in Taylor’s Hotel in Jersey City? A. I was there this morning.

Q. Did you meet any come backs there? A. What do you mean?

Q. Well, come on? A. I don’t understand you.

Q. Did you never hear the term "come on?" A. No, sir.

Q. This is the first time that you ever heard it? A. I don't understand the meaning of the word.

Q. Is it the first time you ever heard of it, the term "come on?" A. I often heard the word "come on."

Q. Do you know what it means; do you know what a man is who is a come off? A. It means to come ahead.

Q. Is not that term used among the green goods steerers? A. I don't understand; I decline to answer that question.

Q. When you said you did not understand, what did you mean? A. I don't understand about "come on."

Q. You said you did not understand—why do you decline to answer? A. I decline to answer anything about green goods, appertaining to green goods.

Q. How do you know that "come on" appertains to green goods? A. I didn't say so.

Q. Why do you decline to answer? A. Come on means to come ahead.

Q. Why did you decline to answer? A. That is a question anybody can answer.

Q. Did you meet any come ons this morning? A. I don't know what you mean.

Q. Whom did you meet at Taylor's Hotel? A. Met nobody.

Q. What took you there? A. Go there every day.

Q. What do you go there for? A. Oh, sociability and so forth—once or twice a week.

Q. You said you went there every day? A. Pretty near every day.

Q. Is that true or false? A. It is true that I go there.

Q. You stated before recess that you were out of the horse business, that you had sold your racing stable? A. I did, yes, sir, but I haven't got my money.

Q. Who owns the horses—Big Patsy? A. Yes.

Q. He was your former partner in the racing business—did you meet Patsy this morning? A. No, sir; I did not.

Q. Whom did you meet this morning? A. I went there to meet him, and I didn't meet him.

Q. Did you go there last Saturday morning? A. I think I did.

Q. And whom did you meet Saturday morning? A. I am blessed if I know.

Q. What did you go there for, any way? A. I went to get my money, that is all.

Q. Where did you meet him to get your money? A. I met him on Saturday and he told me he would have the money ready for me.

Q. What brought you there last Thursday morning, Thanksgiving morning; what brought you to Taylor's Hotel on Thanksgiving morning? A. I'm blessed if I know.

Q. What took you over there? A. I'm blessed if I know.

By Senator Lexow:

Q. You went there, did you? A. Yes, sir; I was there.

Q. And do you mean to be understood as stating that you do not know why you went there? A. I go there every day.

Q. Every day? A. Pretty near every day.

By Mr. Goff:

Q. How long have you been going there every day? A. Not long.

Q. How long? A. I guess I have been going there for years off and on.

Q. What have you been doing there every day for years? A. Drinking and carousing; that is all.

Q. You live in Brooklyn, you could do your drinking and carousing in places in Brooklyn nearer than Jersey City? A. I come to New York city, too.

Q. Why didn't you do your drinking and carousing in Brooklyn? A. I have the privilege to do my drinking and carousing where I please.

Q. Do you find better whisky there than in New York? A. It is my business in regard to whisky drinking.

Q. What particular attraction is there in Jersey City? A. Sociability, that is all.

Q. Who forms the social circle there? A. I don't know.

Q. Are they all strangers to you? A. Pretty near.

Q. You have been going there for several years, you say? A. Off and on.

Q. And yet they are all strangers to you? A. No; they are not strangers to me.

Q. Who are they? A. I decline to answer.

Q. Why? A. I don't want to bring their names in.

Q. That is not a ground for declination? A. I have been staying there at times.

Q. That is not my question; who are the men you have been in the habit of meeting there — you decline to answer? A. I don't know anybody in particular.

Q. Do you decline to answer because the mention of their names would tend to degrade and disgrace you? A. No, sir.

Q. They are respectable men, are they not? A. They are respectable men, and I don't want their names brought in.

Q. If they are respectable men they can not be injured by having their names brought in? A. They might be.

Q. That is not for you to judge; now, give us their names? A. I don't know any of their names in fact, particularly.

Q. You said awhile ago that you did know their names; now, business.

Q. You said awhile ago that you did know their names; now, give us their names — do you refuse? A. I give Mr. Hadlick.

Q. You gave us his name once? A. He is the only one I go there to see, particularly.

Q. Is he the only man you have met there? A. Yes; the only man I go there to see particularly.

Q. Generally, what other men have you met there? A. Several men; I met some of your men over there.

Q. We know their names; you met some of our men over there, did you — when? A. Not long ago; I saw them in there talking to people.

Q. How long ago? A. Not later than a week ago.

Q. Whom did you meet there? A. I saw one of your men over there with a man, they called him Applegate.

Q. When did you see Applegate there? A. I think it was one day last week.

Q. Did you ever see Applegate before? A. I saw him there several times.

Q. In whose company? A. He was waiting over there with a man, I think his name is Williams, if I am not mistaken.

Q. Williams? A. Yes.

Q. Who was Williams? A. I don't know anything about him.

Q. Did you ever see Williams in New York? A. Yes.

Q. Then you do know something about him? A. I don't know anything about him.

Q. You say you have seen him in New York? A. Yes.

Q. Where? A. Several places in New York.

Q. Name any particular place? A. I saw him on the street.

Q. Any other place? A. I saw him in Taylor's Hotel.

Q. That is not in New York? A. No; I saw him in town; I saw him in New York, which I think was —

Q. Do not prevaricate; don't try to make yourself a worse perjurer than you are? A. I am not a perjurer.

Q. This Williams was a detective in the Astor House, was he not? A. No, sir.

Q. Did you ever meet him in the Astor House? A. Met Detective Williams in the Astor House?

Q. Yes? A. Yes; this man I am talking about, Applegate, met Williams; that is not the man I met over there.

Q. Not that Williams, but another — this detective had a Mac to his name, MacWilliams? A. If you are talking about MacWilliams down at the Astor House I have seen him several times.

Q. That is not the same Williams you met over in Jersey City? A. No.

Q. The Williams you met over in Jersey City was connected with green goods? A. I don't know what he is connected with.

Q. How did you know Applegate? A. He was pointed out to me.

Q. Who pointed him out to you? A. A man connected with him.

Q. Who was that man? A. Williams.

Q. What did he tell you? A. I don't know what he told me.

Q. Is Applegate in court? A. I don't see him.

Q. Is that the man (indicating)? A. Yes, that is the man.

Q. Did you talk with him? A. He come and asked me the other day, Saturday he spoke to me; he asked me — let us see I forget this fellow's name, wait a minute I will think of his name — McGuire, I think, was the name; he asked me where he was on Saturday, and I told him I saw him about half an hour ago.

Q. Was that in Taylor's Hotel? A. Yes.

Q. Was that the first time you ever saw Applegate? A. No.

Q. You knew him before that; where did you meet him for the first time? A. The first time I ever met him I think was in Newark.

Q. Where in Newark? A. I saw him on the street I think in Newark.

Q. Did you speak to him? A. There was a gentleman with me that spoke to him.

Q. Who was the gentleman? A. Wilson.

Q. Who was Wilson? A. He lives uptown somewhere.

Q. What is his business? A. I don't know anything about it.

Q. Green goods steerer? A. I don't know anything about his business.

Q. You knew Wilson, did you not? A. Yes.

Q. That was pretty Jimmy Wilson? A. I believe that is the nickname they called him.

Q. Pretty Jimmy; and you remember how pretty Jimmy buncoed the two Rabbis? A. No, I know nothing about it.

Q. Never heard of that? A. No, sir.

Q. Did you ever meet Applegate in the Great Northern Hotel? A. No, sir.

Q. In the North River Hotel? A. Not to my knowledge.

Q. Will you swear you did not? A. I will swear I did not meet him in the Northern Hotel to my knowledge.

Q. Did you not know he was Jimmy McNally's man? A. I'm blessed if I know, it is some time ago.

Q. Within a year? A. It is inside of two or three months.

Q. Inside of two or three months, before he testified before this committee? A. Yes.

Q. You went there to offer him money? A. I never offered him money in my life.

Q. Will you swear you did not offer Applegate money? A. I will swear I never offered him money.

Q. Why did you ask him not to testify against Meakim? A. I didn't ask him; I never said a word to him about Captain Meakim; I never mentioned his name.

Q. Why did you tell him he was a fool for testifying against Meakim? A. I never done anything of the kind.

Q. Not a word? A. No, sir.

Q. Was there any one with you when you talked to Applegate? A. Yes, sir.

Q. Who was the other man? A. I told you who he was — Wilson.

Q. How did you come to meet Applegate in Newark? A. Wilson asked me to go down there with him.

Q. Wilson asked you? A. Yes.



Q. Was there anybody else but Wilson and yourself present?  
A. I think that was all.

Q. Think again? A. Yes; there was.

Q. Who else? A. Appo was there.

Q. How did you come to meet that distinguished being in Newark? A. Wilson asked me to take a ride with him to Newark; he wanted to see Applegate, Wilson did.

Q. What for? A. I don't know.

Q. What did he want you to take a ride with him to Newark for? A. I don't know.

Q. Where were you when you started to Newark? A. I was in Jersey.

Q. Where? A. Over there in the hotel.

Q. Taylor's Hotel? A. Yes.

Q. You went out at Wilson's request to meet Applegate; was it not strange that you should go to meet a man with whom you had no business relations or acquaintance all the way to Newark? A. He testified he knew me; I read some of his testimony before this committee and I wanted to see if I knew him; I never knew of him before in my life.

Q. Why did you go to the trouble to drive over the Jersey Flats to Newark? A. I wanted to satisfy myself.

Q. About what? A. I wanted to see if I knew him; he swore he knew me before this investigating committee.

Q. In what relation? A. I don't know; in relation to something; I had a part of New York, or something like that.

Q. A part of New York for what? A. I don't know; green goods or something; I don't know; something like that; I don't know anything about it; I never saw the man in my life until I saw him in Newark.

By Senator Lexow :

Q. You testified in the first place you went because Wilson asked you to go, now you testify you went there because you wanted to see if you knew Applegate—which of these statements are true? A. My statement is this: Wilson asked me to go there; I said I will go there with you, I would like to see that fellow; I never saw him in my life; that is the reason I went.

By Mr. Goff :

Q. You say you were in Taylor's Hotel when Wilson approached you? A. Yes, sir.

Q. What time of the day was it? A. I think it was about 11 or 12 o'clock.

Q. In the day? A. Yes.

Q. Was it in the barroom of the hotel that Wilson spoke to you? A. It was in the barroom.

Q. And you consented to go? A. Yes.

Q. How long had you seen Wilson before Wilson and yourself left the hotel to go to Newark? A. Somewhere about an hour or two.

Q. And you had several drinks I suppose? A. Yes.

Q. Standing around smoking and one thing and another?

Q. When you did go to Newark you and Wilson took the railroad train, did you not? A. No, it was the trolley we took.

Q. You said you drove up there? A. I did not; you misunderstood me; in the trolley car we went out.

Q. You went out in the trolley car? A. Yes.

Q. You went out to see if you knew Applegate; did you talk to Applegate when you went out? A. Yes, I spoke to him, I said a few words to him, only a very few.

Q. What did he say? A. I don't know; we had a drink.

Q. Where was it? A. It was in a liquor bar saloon.

Q. And you were satisfied then that you did not know him, or did know him, which? A. I never saw him in my life before, before I saw him in Newark.

Q. You swore a while ago you saw him here in New York? A. I beg your pardon, I never saw him in my life until I saw him in Newark.

Q. What was the number of that house where that man attempted to serve a paper upon you, that house you were in when that man attempted to serve a subpoena upon you? A. That was on Twenty-second street, I believe.

Q. West Twenty-second street? A. Yes.

Q. What is the number? A. I think it is 216 or 215 — either one.

Q. Two hundred and fifteen and 216 are on opposite sides of the street — odd numbers are on one side and even numbers on the other? A. Two hundred and fourteen or 216.

Q. That was on the fourth floor, was it not—four flights up?  
A. I'm blessed if I know.

Q. It was in a flat upstairs? A. Yes.

By Senator Bradley:

Q. Did you live in the house? A. No.

Q. Do you know how many flights of stairs you went up? A. They were small stairs; one don't go up a story.

By Mr. Goff:

Q. About what time was that in the morning? I'm blessed if I know; I was wakened out of my bed any way.

Q. About what date was that? A. I'm blessed if I know what date it was; I don't know what date it was.

Q. Do you know the month? A. I don't know the month; I don't remember the month.

Q. Was it not in May? A. It might have been.

Q. On or about the first of May? A. I really couldn't tell you.

Q. Don't you remember the season; don't you remember it was about moving time? A. I remember it must have been three, four or five months ago; I don't remember the month; that I can't tell.

Q. It was on or about the first of May, is that not it? A. It might be; yes.

Q. That is your best recollection, is it not? A. Yes.

(At this point of the examination the witness was requested to leave the witness stand.)

William Applegate recalled and examined by Mr. Goff, as follows:

Q. Do you know this witness who has just left the chair? A. Yes, sir.

Q. What is his name? A. Mike Ryan.

Q. Did you mention him in your previous testimony? A. Yes, sir.

Q. What is his business? A. Well, at that time he was in the green goods business, to my best knowledge.

Q. He has sworn here that he knows nothing about the green goods business; has he sworn to what is true or false? A. I think it is false.

By Senator Bradley:

Q. There is no thinking about it; do you know it to be false or true? A. I know him to be in the green goods business.

Q. Then why do you not say so? A. Well, it was false.

By Mr. Goff:

Q. You know him to be in the green goods business? A. Yes.

Q. Before you testified here had you met him frequently? A. I had seen him in the North River Hotel several times.

Q. Was that when you were in the green goods business yourself? A. Yes, sir.

Q. Did you see him in company with green goods men? A. Yes, sir; I saw him at McNally's house one night.

By Senator Lexow:

Q. When you say you saw him with them, was he speaking and associating with them? A. Yes, sir.

By Mr. Goff:

Q. The witness here testifies that he went out to Newark to see if he could recognize you; did you meet him in Newark? A. I did.

Q. Who was with you? A. George Appo.

Q. Who is this Wilson? A. James Wilson; known as pretty Jimmy.

Q. What is he? A. Well, he is in the green goods business too; that is all I know about it.

Q. With whom is he working? A. I think he is working for himself now.

Q. Were the green goods men working in Taylor's Hotel? A. They met there every day; I guess they had a little business there.

Q. And that is where the come ons are brought? A. Some do; yes.

Q. And this witness here has been there very frequently, he says, in fact every day? A. Yes, sir.

Q. Do you know of other notorious green goods crooks that met there? A. Well, every time I went there I met Jimmy Wilson, Mike Ryan, John Maguire, Pat Hadlick.

Q. And Mike Ryan is this witness (indicating)? A. Yes, sir.

Q. And big Patsy, that he has named, is his partner? A. Yes, sir.

Q. Did you not see Eddie Palmer there sometimes? A. Yes, sir; on several occasions.

Q. After his return from Europe? A. Yes, sir; I met him after he returned.

Q. About this visit to Newark, this witness said he spoke with you; had a drink with you; is that true? A. Yes, sir.

Q. What did he speak to you about? A. Well, two or three days previous to his coming to Newark, George Appo came to Newark, where I was living, and told me he had met Jimmy Wilson, that Wilson and Ryan were leaving to come out there to meet me, to help me save Captain Meakim; George Appo asked me if I would meet them; I said I would; he came back to Newark, made an engagement, I think it was for Tuesday, Tuesday I was to be at Taylor's Hotel at 11 o'clock to meet George Appo; I met Appo there; Wilson and Ryan were inside the hotel; Ryan had a party there who they claimed his son to trail us, to see if anybody was with me; we went into the hotel and Wilson told Appo and I to walk down Market street and go in some saloon where it was an out-of-the-way place; we went in one or two saloons, but couldn't find a decent room, and Mike Ryan said he knew a place where we went and had a drink and talked; Wilson asked me if I would promise to go away if they gave me some money; I said I would; Wilson told me that he didn't have the money there, that he and Ryan would chip in together, Ryan then said that he would allow me \$20 a week to go to Philadelphia, he would give me \$50 to go with and \$20 a week to stay in Philadelphia.

Q. For what purpose? A. To keep away from the police commissioners to save Captain Meakim.

Q. Did Meyer's Hotel in Hoboken figure in this matter at all? A. Yes, sir; then they made an engagement for me to be at Meyer's Hotel the next day at 11 o'clock; I went there in company with Appo; we met there Eddie Palmer; Eddie told us that they couldn't get over until that night; I stayed there until about 11 o'clock that same night, when Mike Ryan, Jimmy Wilson and John Maguire came along about 11 o'clock in the evening; they had with them a lawyer—Joe Flannery.

Q. He is a Jersey lawyer? A. No, sir; he is a New York lawyer, he is supposed to be some great friend of Captain Meakim's.

Q. Did you hear him say so? A. Yes, sir; he said he was a personal friend of Captain Meakim's, and I would do him a favor if I would sign some papers for him; then Wilson jumped up and said he would give me \$200 to sign the papers; they then went down to see Mike Donovan, who I believe was a friend of Ryan's; he keeps a saloon on the corner of Second street.

Q. Is that the police commissioner of Jersey City? A. The Donovan I speak of keeps a saloon; Mr. Donovan introduced me to Justice Seymour, a justice of the peace in Hoboken; they came over to Meyer's Hotel where I was and hired a room; Wilson and I and the lawyer went up to the room; the lawyer had some papers all written up, and asked me to sign them.

Q. Did you read the papers? A. No, sir.

Q. Did he read the papers for you? A. No, sir.

Q. Do you know what was in the papers? A. No, sir; only that they told me to swear that I wouldn't go against Captain Meakim.

Q. Did you sign the papers? A. Yes, sir.

Q. You could identify Flannery if you saw him? A. Yes, sir.

Q. What sort of a looking man is Flannery? A. He is a short, thin fellow with eyeglasses, light hair, long light hair.

Q. Young man? A. Yes, sir; I think he is with Charles Demerick or, Deming, some such name as that in the Equitable Building, 120 Broadway.

Q. In the Equitable Insurance Building? A. Yes, sir; they formerly came from 10 Wall street; they just moved to the new building.

Q. Did he tell you the name of the man with whom he was? A. No, sir; I found that out afterward.

Q. How did you find it out? A. Wilson told me.

Q. And what did Wilson tell you? A. About Flannery?

Q. Yes? A. He said everything was all right and satisfactory; he would be over the next day and give me \$100; and three days after that Mike Ryan was to give him \$100 and I was to get the other \$100 which I got.

Q. Which of the hundreds did you get? A. Both.

Q. Both hundreds? A. Yes.

Q. Mr. Flannery—look at that gentleman; is that the man (indicating gentlemen in court-room?) A. Yes, sir.

(Examination of the witness suspended.)

Joseph A. Flannery, being duly sworn, testified as follows:

By Mr. Goff:

Q. Have you got those papers with you that Applegate signed? A. No, sir; I have not.

Q. Where are they? A. They are in the possession of Captain Meakim; I believe I gave them to him.

Q. Now, Mr. Flannery, before I saw you I heard that you were a respectable member of the profession, a young lawyer, and while we all recognize the devotion of a lawyer to his client—and you are a younger man than any of us around here—yet I have confidence that you will tell the truth in this matter; now, Mr. Flannery, will you tell us how you first became employed in this matter? A. I became acquainted with Captain Meakim several years ago owing to my residence in Harlem; one day he met me on the street after certain testimony here against him and asked me if I would look after his interests.

Q. After Applegate testified? A. Yes, I think so; he said if anything was necessary to protect his interest, to look after it; I said that I would; and that was all that was said; one night at my house I received a note from Captain Meakim asking me to call at the station-house; I did so, and he said that the wife of Mr. Applegate had come to him saying that her husband had told her that the testimony was false and she would have that fixed; she was there and I took her affidavit to that effect; simply drew it up while I was there with a stenographer.

Q. You took this lady's affidavit? A. Yes, sir.

Q. It was a young girl, was it not? A. Yes, sir.

Q. You took her affidavit through a stenographer? A. Yes; it was written out by me; I took a stenographer with me, thinking it would be better; the stenographer took it down and then dictated it to me.

Q. Now, who was the stenographer? A. His name was Clarence Bonynge, and I think his office is No. 35 Wall street.

Q. Now, when Mr. Bonynge took the statement from this young woman that called herself Mrs. Applegate, did he transcribe it then? A. No; he dictated it to me after having taken it down.

Q. He dictated it from his notes? A. Yes; we thought of having it written out with a typewriter, but found it impossible.

Q. Was this young woman present while he dictated it to you? A. Yes, sir.

Q. And you wrote it out in longhand? A. Yes, sir.

Q. After it was written out did you read it to her? A. Yes; I read it to her.

Q. And she signed the affidavit? A. Yes.

Q. Now, where is that affidavit? A. That is in the possession of Captain Meakim, or was; I gave it to him.

Q. After you got the affidavit from this young woman what next did you do in relation to the matter? A. The same evening after that was done Captain Meakim told me he was informed that Applegate was willing to retract his testimony against him and was in Hoboken; I don't think he said whom he had been informed by then, but told me where to go; I met a man named Wilson with whom I went to Hoboken.

Q. Where did you meet Wilson? A. It was either at the station-house or on the street.

Q. How did you come to meet Wilson? A. Captain Meakim told me where I could meet him.

Q. Did you know Wilson before that? A. No; had never seen him.

Q. Did Captain Meakim describe Wilson's appearance to you? A. No; I think he pointed him out to me.

Q. Did he tell you that Meakim was a man in whom you could repose confidence? A. You mean did Wilson tell me so?

Q. Yes? A. No; he told me frankly that he thought he was a criminal, or was a criminal.

Q. He was to go with you to this place in Hoboken? A. Yes.

Q. Do you remember the place? A. I think it was Meyer's Hotel; I never had been in Hoboken before, except the railway station.

Q. The only person that accompanied you was this man Wilson? A. And afterward we met a man named Ryan; I didn't know him before.

Q. Where did you meet Ryan? A. I think on the elevated railway station.

Q. At Hoboken? A. No, in New York.

Q. At One Hundred and Twenty-fifth street? A. Yes, I think so.

Q. You did not know Ryan before, did you? A. No, I never met him before; never heard of him.



Q. Did Wilson recognize Ryan? A. Yes, I think they recognized one another.

Q. Did you understand then that Ryan was to be one of the party and was engaged in the business? A. No, he spoke to me, he said that Applegate was willing to make an affidavit; that he knew Applegate and so forth; and that is all I know.

Q. You being a lawyer careful of the interests of your client, of course you were also careful as to the society that you were going in in regard to this delicate business?

Q. When you saw this strange man Ryan there, did it not arouse your curiosity as to who he was? A. Yes; I thought he was one of the same party; I didn't inquire; I didn't care to inquire; I had a certain delicacy about it; I was there to take an affidavit, and that was all.

Q. You took it for granted that he belonged to the same party, the same element? A. Yes, I think so.

Q. Of course you were a notary public? A. No, I am not.

Q. But your purpose was to have this affidavit sworn to by Applegate? A. Yes.

Q. In your voyage over to Jersey, what conversation took place between yourself and these two men, Wilson and Ryan?

A. Not very much, except they told me that Applegate's testimony was false, that he had so stated, and was willing to retract it; I didn't have very much conversation with them, I didn't care to; I didn't know them.

Q. These men Wilson and Ryan brought you to this hotel? A. Yes.

Q. They seemed to know the way? A. Yes, I think they did; I am not certain whether or not they inquired the way there; I had never been there before.

Q. When you went to Meyer's Hotel in company with these two men whom did you see there? A. There were a number of men there, but I don't recollect any of them; there were several men sitting at a table in the cafe I think as I went there that these men whom I went with nodded to.

Q. Did these men introduce you to any persons there? A. I don't recollect, they may have; I think they did after the affidavit was taken, after we were waiting for the boat.

Q. Introduced you to men drinking in the cafe? A. Yes. I think so.

Q. Do you remember the names of any of the men to whom you were introduced? A. I think the name of one man was Jones; I am not certain.

Q. Parmeley Jones? A. It might have been.

Q. Does that strike you as familiar? A. It struck me at the time as being a name I had read about, but I didn't remember whether it was Jones or not; he was an old man.

Q. Do you remember the name of any other man you were introduced to by these persons who were with you? A. No, I don't recollect.

Q. Where did you first see Applegate in Meyer's Hotel? A. He was standing in front of the hotel when I reached there I think.

Q. Who accosted him? A. One of the men with whom I was; I don't recollect which.

Q. Either Wilson or Ryan? A. Yes, perhaps both.

Q. Did you hear what was said? A. Nothing was said that I recollect then; they left me sitting at the table with Applegate and engaged the room I think at the office; then I went up with Applegate and Wilson, I think it was, to the room; Wilson said then, this is Captain Meakim's counsel, he wants you to make an affidavit, and I don't think you want me here any farther; then he left the room.

Q. Wilson left the room? A. Yes.

Q. Left you and Applegate alone? A. Yes.

Q. What took place between yourself and Applegate there? A. We had quite a conversation; I told him that I was very friendly to Captain Meakim, had known him for a long time, that Captain Meakim had told me that the testimony that he had taken money or anything of that kind, any bribes, was absolutely false; that anything of that kind that had been said I believed was a great wrong to Captain Meakim, and that he should take some way to clear it; he said at first, "Well, it is true, my testimony is true."

Q. Applegate said so? A. Applegate said that part of it was true; I then cross-examined him, as you might on a trial for a long while, and finally he said the whole matter of it is the testimony that I had given money to Captain Meakim was false.

Q. That was after your cross-examination? A. Yes.

Q. I would suggest the committee to employ you Mr. Flannery? A. Then I drew up an affidavit on some paper I got at

the hotel office which contradicted—I had a newspaper account of his testimony, and it contradicted a good deal of his testimony; some parts of it; specific portions of it; then I told one of these men, I forget which it was, to get a New Jersey notary; something of the kind; and they hunted up some justice of the peace, whose name was Seymour; and he came in; I explained the purpose of taking the testimony to Mr. Seymour, and the taking of the affidavit, and he read, I think he read it then to the witness, and explained to him the penalty of perjury in New Jersey; that a man could be indicted for it, and asked him if it was true; he said it was, and signed it; and Mr. Seymour took his affidavit and we went to Seymour's office, where he put his seal on it.

Q. Now, you said you had a newspaper article; how did you come to have a newspaper article with you? A. With the testimony in?

Q. Yes? A. I got it after Captain Meakim had asked me to look after his interest in anything that came up.

Q. Did you cut it out? A. No; I think I got the newspaper whole.

Q. Did Captain Meakim request you to do so? A. No; I kept it for my own purpose; I kept any reference that I saw in the newspaper for the purpose of reference.

Q. When you took the newspaper over with you that evening, you say you drew up an affidavit contradicting the statement in the paper? A. Some parts, yes; those which the witness said were false; some of it he said was true.

Q. And you drew up the affidavit in conformity with what the witness told you? A. Yes, sir.

Q. Was there anything said about any compensation to the witness? A. No; not a word in my presence; the man, Wilson, told me that the witness would leave the country after he made the affidavit, probably.

Q. In the witness's presence? A. No; not in his presence that I recollect.

Q. Did you hear anything said about anything to be paid to the witness? A. No; not in my presence; I told the witness I did not want his affidavit unless it was true; he offered to make the affidavit, as I recollect it.

Q. He made that offer of his own motion? A. Yes, sir; as I recollect it; even although it was false.

By Senator Lexow:

Q. Do you mean to say he said it did not make any difference to him whether it was true or false? A. Not at that time; he said he would make an affidavit; I said I didn't want it unless it was true; it was a long time before he said in substance my testimony was false; that part relating to money handed by him to Captain Meakim.

Q. You mean for us to imply from that that at first he insisted that the testimony he had given, with reference to paying money to Meakim, was true? A. Yes, sir.

Q. And it was only as the result of a long cross-examination by you that he finally admitted that that statement was not true? A. Yes, sir; after a long discussion in cross-examination.

Q. What particular kind of persuasion was there contained in your questions that finally induced the witness to change his opinion? A. I said to him that he personally could never have been intrusted with the payment of any money; that he was only a boy.

Q. You argued with him? A. To show that it was false.

Q. That it was impossible? A. Not that it was impossible.

By Mr. Goff:

Q. His first statement to you was that his testimony was true? A. Yes; at the very first.

Q. Before he fell under the magic influence of your skillful cross-examination? A. Well, I don't think that is a fair question.

Q. You changed him in your cross-examination? A. Yes.

Q. You hypnotized him? A. No; he admitted that portions of his testimony was false.

Q. You met a man for the first time in your life and he came and said my evidence was true? A. Part of it; yes, sir.

Q. After your psychological manipulation of him you got him to sign an affidavit saying that it was false? A. Yes, portions of it, not all of it.

Q. The portions that you wanted him to say were false? A. No, not all of them.

Q. You are skillful enough not to have him do the thing too much? A. Some portions of it he said was true.

Q. Do you think it was part of your duty as a sworn officer of the court where you meet a witness or a person, a stranger to you, not in this State, and in a matter out of court who told

you that his evidence was true— did you think it part of your duty to endeavor to make him contradict himself in a private room in a hotel in company with two thieves? A. There was nobody else there.

Q. But the thieves were outside the door? A. No, they were not.

Q. You had gone in company with men whom you knew to be criminals? A. Yes.

Q. You, as a lawyer, a sworn officer of the Supreme Court, sent by a police captain upon a mission to obtain an affidavit, and he sends with you as your guide a man whom he described to you as a criminal, and then you meet another one of the same gang, another criminal, and you went in company with these two criminals to meet this man who is a stranger to you who tells you his evidence is true and then you go to work and try to make him contradict himself, to make a statement that it was not true—now, is that not the course of action? A. That was substantially, yes; you will allow me to say, however, that I did not at any time believe his testimony.

Q. I will later on? A. There were many circumstances which indicated that the witness's testimony in that respect was false; I had the affidavit of his wife which stated that his testimony was false.

By Senator Lexow:

Q. You believed that the end justified the means, that is about the situation? A. You mean that I—

Q. You believed that the ends that you had in view justified the means that you adopted? A. Well, I believed that cross-examination was certainly correct where a witness's testimony was false, in my opinion, where I had an affidavit which contradicted him.

By Mr. Goff:

Q. You say false in your opinion—what do you know about the green goods business? A. I don't know anything about it.

Q. Why do you express an opinion about the truth or falsity of this man's testimony? A. That is his testimony in respect to payment of money to Meakim.

Q. How do you know about it, your name was not brought in? A. My opinion was based on the statement of Captain Meakim and the affidavit of Applegate's wife.

Q. His wife, the woman that made the affidavit was not his wife at the time he gave his testimony, nor was she a witness, nor was she in court? A. She said she was; she said she was with him the night that he gave his testimony.

Q. I said she was not here in court, or a witness; now, you as a lawyer took an affidavit from a woman that had not been a witness, nor had not heard the testimony; you based your opinion upon that affidavit and upon the statements made by this implicated police captain? A. The statement in the affidavit of the wife was that her husband had told her on the night of his testimony that it was all false, that he was carried away by the idea of the thing, that he did not know exactly what he was saying; the affidavit of course you can see.

Q. When was it, either before or after the affidavit, that Ryan told you this man would leave the country, that Applegate would leave the country? A. It was afterward, as I recollect it,

Q. Wasn't there something said before it? A. Not that I recollect, there may have been.

Q. Will you swear there was nothing said before it about his leaving the country? A. I will try and recollect — no, because I am not positive.

Q. You will not swear that there was not something said about his leaving the country before the affidavit was taken? A. No, sir.

Q. Don't you know as a matter of fact that it was conversed over by yourself and Meakim that this man was to be paid to leave the country, to make this affidavit? A. No, sir, certainly not.

Q. You mean to say that Meakim did not say anything to you? A. Certainly not.

Q. You mean to say that Ryan here and Wilson did not talk about it on the way going over? A. Not that I recollect.

Q. Will you swear you did not? A. No, not about giving him any money.

Q. Will you swear that Ryan and Wilson did not talk about to you giving him money before you went over to Hoboken? A. Yes, sir; I have no recollection of it, and I certainly would recollect it.

Q. You swear because you have no recollection? A. Yes.

Q. Now, I ask you as a fact were you not made aware that

this man was to get so much money if he signed this affidavit?

A. No, sir; I did not know he was to get the money — no, sir.

Q. Did you hear anything at all about it? A. No, sir; not about his getting any money for making the affidavit.

Q. After you got this affidavit signed before the justice of the peace, what did you do next? A. I then waited for the boat and went home.

Q. Who was with you? A. I think Wilson went over and Ryan.

Q. Did they talk with you on the way home about it? A. No; we didn't say very much on the way home; I had never seen them the affidavit; they both read it going over in the ferry boat.

Q. Did you tell them you had the affidavit? A. Yes; I showed them the affidavit, they both read it going over in the ferry boat.

Q. How did you come to show it to them? A. They asked me to allow them to see it.

Q. What was their comment? A. They said they thought it was right.

Q. And when you went home, how shortly after did you see Captain Meakim? A. I went home and I did not see him again until, I think, the afternoon of the same day that he came down to my office to get the affidavits.

Q. Then did he ask you to narrate how you procured the affidavit? A. No, sir; he did not; I think I told him what difficulty I had had in getting the one affidavit.

Q. Did you tell Captain Meakim that the first thing that Applegate said to you was that his evidence before this committee was true? A. I think I did, yes.

Q. And do you remember that Captain Meakim paid you a high compliment as to your cleverness in getting him to sign an affidavit contradicting that testimony? A. He said he thought it was creditable to me, something of the kind.

Q. Did he not use the word "clever?" A. No; I don't think he used the word "clever."

Q. Didn't he say that you got around him cleverly? A. No, sir.

Q. Or words to that effect? A. No; he did not.

Q. He said it was creditable to you? A. He was pleased, yes; he said he thought it was good work, or something of that kind.

Q. What did he say he wanted to use that for? A. He said

he wanted to use it so that in case Applegate should testify against him he could contradict him.

Q. Did he not say Applegate would never testify against him?

A. No; he said he thought he would not.

Q. Did he not say that the chances were that Applegate would never appear before a court of this State? A. After the affidavit was made.

Q. He said that it was likely that Applegate would never appear before this committee; or before the police commissioners, did he not? A. Yes.

Q. So that he could have Applegate's affidavit to show up to the newspapers in case they attacked him about it? A. No; he got the affidavit in order to prevent that if possible; in order to prevent that testimony; after we got the affidavit we thought because we had it Applegate would not appear to contradict it.

Q. And you gave him newspapers? A. Yes; I gave them to him.

Q. Have you ever received a fee for your services? A. No, sir.

Q. Have you ever rendered a bill? A. No, sir.

Q. Have you made an entry of charge? A. No; I did not; because I rather did the thing for Captain Meakim out of friendliness.

Q. You did it on the ground of friendship? A. Yes; I think I did expect to be paid, but I never spoke to him about it; the only thing I asked him to pay was the stenographer's bill.

Q. And he paid the stenographer's bill? A. Yes; he said if I wanted to make any charge I could do so.

Q. And you have not made any charge yet? A. No.

Q. He paid the stenographer's bill, you say? A. Yes.

William Applegate recalled, and examined by Mr. Goff, as follows:

Q. You have heard Flannery's testimony? A. Yes, sir.

Q. Was there anything said by Mr. Flannery about any money or any consideration to be paid to you, as signing this paper? A. Mr. Flannery told me himself in person that if I signed those papers I would be well rewarded; and Wilson was there at the time that Flannery told me so in the room.

Q. Mr. Flannery has testified that when he first met you in the room you said your evidence was true? A. I did, and stuck to it upstairs; the same thing.



Q. He said he took a newspaper out of his pocket and he endeavored to have you contradict yourself; to contradict the statements that you made here before the committee? A. If he took any newspaper out I didn't see it.

Q. Did he draw up an affidavit in your presence? A. No, sir; he had some paper there and wrote down two or three things which took him about five minutes, and told me that if I would sign those papers that is all I would have to do; and Wilson was there and said, as soon as these papers are turned over to Meakim you will get your money; as soon as he sees your name signed to them.

Q. And did you get your money? A. Yes, sir; the next day I got \$100.

Q. Who gave it to you? A. Jimmy Wilson, Ed Parmeley gave it to him; and they told me to go to Brokaw's and rig myself out and then go to Hoboken.

Q. Did you go to Brokaw's, the clothiers in New York? A. Yes, sir.

Q. And did you buy a suit of clothes there? A. Yes, sir; and an overcoat.

Q. Have you any recollection of the salesman of whom you bought the overcoat, or anything about it? A. I don't know his name; he is a gentleman with a cast in his eye; that is all I remember.

Q. How much did you pay for it? A. I paid \$23 for the suit and \$25 for the overcoat.

Q. Is that the suit of clothes you have on you? A. Yes, sir.

Q. Where is your overcoat? A. Over in the office; it is up on the Twenty-second street office.

Q. Is the mark of the clothing-house on your coat? A. Yes, sir.

(The witness exhibits the mark of the clothing-house at the back of the coat.)

The witness (resuming).—It is also on the overcoat,

Q. Now, Mr. Flannery has testified that he cross-examined you, is that so? A. I don't know how he cross-examined me; everything he said was for me to help Meakim along, because he was a friend of his; I don't think I would let a man like him cross-examine me there.

Q. He says that a justice of the peace told you the pains and penalties of perjury, was that true? A. No, sir.

Q. Did you go before a justice of the peace? A. He was brought up in the room, they were all drinking down in the bar-room, and he was brought up; Flannery used to go out in the hall every few minutes and come and ask me another question; and nothing in regard to asking about the truth, and then he said your wife signed an affidavit, trying to scare me, and I said if she did she lied.

Q. Did you read what was in the affidavit? A. No, sir; I did not, I didn't get a chance.

Q. You knew it was a statement exonerating Meakim? A. Yes, sir.

Q. From the charges you had made against him? A. Flannery himself and Wilson told me they did not give a damn what I rapped against, what I done against the other officers as long as I signed those papers and saved Captain Meakim; that's the very words Wilson told me.

Q. The truth of the matter is that you were willing to sign this paper and this further statement by Mr. Flannery in consideration of your getting \$200? A. Yes, and getting more; in the future I was promised a position in Jersey at \$20 a week.

Q. Mr. Flannery states to me here that that is true? A. Yes, sir.

Q. That a position was promised you? A. Yes, sir.

Joseph Flannery—Not at the same time, as I recollect it; but I think it was after the affidavit was made I said Mr. Applegate, Mr. Ryan, I think it was, would help him to get a position.

Q. Did you hear from these parties after you signed that paper that night? A. They were to meet me the next morning at 11 o'clock, Wilson, Ryan, McGuire and Eddy Parmeley, in fact, Eddy Parmeley stayed with me at the hotel that night, he had the next room to me; he and I got up the next morning and at about 11 o'clock Ryan came in; we waited there and Wilson came about 1 o'clock, and McGuire came the same time; we went to a saloon down the street and the \$100 was counted out and handed to me by Eddy Parmeley; Ryan and Wilson were there together.

Q. Where was the second hundred given you? A. That was in Taylor's Hotel.

Q. How many days after? A. About five or six days after.

Michael Ryan, recalled and examined by Mr. Goff, as follows:

Q. Do you know anything about green goods? A. I decline to answer.

Q. Have you ever had any dealings with green goods men? A. I decline to answer.

Q. Do you pretty Jimmy Wilson? A. I know a man named Wilson.

Q. A thief? A. I don't know what his vocation is; I have never seen him steal anything.

Q. You remember the night you met Wilson at the One Hundred and Twenty-fifth street elevated railroad station? A. I remember meeting him there one night; I was up around there drinking and I met him.

Q. How did you come to meet him there? A. I was there drinking.

Q. Where? A. I was drinking in the hotel on the corner.

Q. In the Hamilton? A. Yes.

Q. You know you were to meet Wilson there? A. I met him there.

Q. But you knew you were to meet him? A. No, I didn't know anything of the kind; I was standing with three men talking on the corner.

Q. Did you not know that you were to meet this thief and bunco man at the station that night? A. No, sir

Q. Did you not know you were to go with him to Jersey? A. I never knew anything about it until he asked me.

Q. You went with him? A. Yes, sir.

Q. And you were innocent about the green goods business? A. I decline to answer that question.

Q. Even as to your innocence? A. I decline to answer anything about green goods.

Q. When you got to Jersey you were present in the room with this Applegate? A. I met him in the bar-room.

Q. You knew what he was wanted for, did you not? A. Wilson told me he was going to make an affidavit; that is all I knew about it.

Q. Exonerating Captain Meakim? A. I presume so.

Q. Through Mr. Flannery here, a lawyer? A. Yes; I presume that is what he went there for, took me over there for.

Q. Don't you think you have made a disgraceful exhibition of yourself here to-day? A. I don't think anything of the kind.

Q. Have you got any thoughts at all about it? A. I think so.

Q. Don't you know that you have perjured yourself right along? A. No, sir; I think not.

Q. Don't you know that you have been engaged in the green goods business here for years in the city of New York? A. I decline to answer that question.

Q. You know that you have been engaged in various places and robbing the unfortunate countrymen who came on here? A. No, sir.

Q. And that you have lived by robbing? A. No, sir.

Q. And by stealing all your life? A. No, sir.

Q. Don't you know that you never earned an honest dollar in your life? A. No, sir.

Q. Will you name me an honest dollar that you ever earned in your life? A. I decline to answer the question; people who know me can answer that.

Q. Do you refuse to answer that question on the ground that it would disgrace and degrade you—is that the ground upon which you refuse to answer the question? A. I might as well say yes.

Q. That you never did earn an honest dollar? A. People that know me can answer that; I decline to answer any such question.

Q. Do you decline to answer it upon the ground that it would degrade you or disgrace you? A. No.

Q. Then on what ground, you must give us some ground? A. Perhaps I have earned many an honest dollar.

Q. Name one and in place? A. I decline to answer.

Q. Upon what ground? A. On the same ground as I answered you before.

Q. Upon the ground that it would tend to degrade you, and to criminate you and convict you of a crime? A. You may as well put it that way.

Mr. Goff.—Officer English, this gentleman wants to see you. I believe you have got a warrant.

Mr. English.—Yes, sir, I have.

(The witness then leaves the court-room with Officer English.)

Charles Harris sworn.

Mr. Goff.—I wish you to warn the witness, Mr. Chairman, that if he attempts to leave or permit any person to talk with him that he will go to jail for it.

Senator Lexow.— You understand the statement made to you by Mr. Goff?

The Witness.— I do.

Senator Lexow.— The chairman repeats that to you now.

The Witness.— I understood it last Saturday.

Senator Lexow.— You understand now that you must not allow anybody to speak to you with reference to your testimony?

The Witness.— Yes.

Mr. Goff.— I have a witness from another State, and I wish to get through with him as soon as possible.

John Healey, being duly sworn, was examined by Mr. Goff, and testifies as follows :

Q. Tell us about your interesting experience when you kept a museum on the Bowery; and make it as short as possible.

A. I have had no experience to tell you.

Q. Haven't you? A. None whatever.

Q. We will see, possibly you forget it; now, you have made up your mind to deny everything, have you not? A. No, I don't think I have; I am willing to answer any questions you wish to ask me, truthfully.

Q. You have talked with people about your experience up there, have you not? A. I don't remember of any person that I have talked with particularly.

Q. You are engaged with some gentleman in business now? A. Yes, sir.

Q. Have you not talked with this gentleman about your experience while you kept a museum? A. No, sir; I have not.

Q. Do you remember the time when Mr. Comstock went in with a hatchet and chopped up your figures? A. Yes, sir.

Q. Because of their extreme modesty? A. Well, I don't know; they were medical figures; I saw nothing wrong about it, probably he did.

Q. I am not blaming you; I have been informed that you are a man of character, a man of truth; this is the first time I have seen you and I want to see if the reputation I have heard of you will be borne out; now, Captain Williams accompanied Mr. Comstock, did he not? A. I couldn't say; I was not in the city at the time; I don't know who did accompany him.

Q. Were you not informed by your employes that Captain

Williamis was with Mr. Comstock? A. I don't think Captain Williams was.

Q. I only ask you if you were so informed? A. No; I was not.

Q. At the time that your figures were chopped up, there were other museums in the Bowery doing a light business, were there not? A. Yes, sir.

Q. And you simply exhibited figures illustrating certain anatomical matters of the human body, is that not so? A. Yes, sir.

Q. And these figures had been prepared with great care? A. Yes, sir.

Q. And at considerable expense by you? A. Yes, sir.

Q. There was a doctor, I believe, in the preparation or the supervision of these figures? A. Yes, sir.

Q. What was the expense that you were put to? A. Well, I don't know; it might have cost me a couple of thousand of dollars.

By Chairman Lexow:

Q. Is that your best recollection that it was about that sum? A. It has been some time ago.

Q. Is it about that sum? A. Yes, sir; about that.

By Mr. Goff:

Q. About what time did that occur? A. I should say it was 28 years ago.

Q. And how long have you run that business there, that museum? A. Well, I had been there probably six months.

Q. Who was in charge of that museum at the time? A. A gentleman by the name of Ward, Joseph Ward.

Q. Do you know what business Mr. Ward is in now? A. Mr. Ward is in my employ now.

Q. Do you know where he is? A. Well, he is in the west somewhere; I couldn't tell you exactly where.

Q. Did he not go on that trip south down to the Bermudas? A. No, sir.

Q. He was not on that trip? A. No, sir.

Q. You know the trip I have reference to, do you not? A. Yes, sir.

Q. You say there were other museums there? A. I believe there were.

Q. Engaged in the same business — they were not interfered with? A. I think all of them were interfered with at some time.

Q. Were they all closed up? A. They were all closed.

Q. And their figures taken? A. That I don't know; I was absent from the city at the time; I believe they were all closed; but soon after that they were allowed to open.

Q. You were not allowed to open? A. Well, I suppose I could have continued, but I didn't wish to bother any more about it; my collection was a valuable one made in Paris, and I thought it was a very unjust way to treat me; I was paying my license and rent, and I just closed the place up and took my things away.

Q. You thought you were engaged in a perfectly legitimate business? A. I considered it so.

Q. And you exhibited these figures prepared under expert medical supervision? A. Yes, sir.

Q. And you regarded your place just as lawful to be opened as a medical museum? A. Certainly.

Q. And that the public had a right to go in there? A. Yes, sir.

Q. And you practiced no deception upon the people who went in there? A. No, sir.

Q. You announced what your exhibition was, and you charged so much entrance fee? A. Yes, sir.

Q. And you asked no favors? A. No, sir.

Q. But there were favors asked of you? A. No; none whatever.

Q. Was there ever any request made upon you? A. No, sir.

Q. At no time? A. No, sir; not at any time.

Q. At no time in the city of New York? A. No, sir.

Q. What caused you to close the aquarium? A. My lease ran out.

Q. How long were you at the aquarium? A. I was at the aquarium one year.

Q. What did you visit Captain Williams for that you were at the aquarium? A. That is easily explained; I was a stranger in New York; I came here from Boston; I hired the aquarium; I put an entertainment in there and I violated the laws, and Captain Williams summoned me before him.

Q. That was the second time you were in New York; you had been engaged in the museum business on the Bowery before that? A. No, sir; after that.

Q. It was after that? A. After that.

Q. You went there to Captain Williams at the station-house?  
A. Yes, sir.

Q. How long had you been opened at the aquarium before you went to Captain Williams? A. It may have been four weeks.

Q. How long was your lease at the aquarium? A. One year.

Q. After you went to Captain Williams, what was the result?  
A. Captain Williams informed me that I had a saloon connected with the entertainment, and that there was a door going from the side into the entertainment, which was a violation of the laws of New York; I said to him, Captain, I am sorry, I am a stranger here, but the door shall be closed.

Q. Did Sergeant Price see you after that? A. No, sir; I never had any conversation with Sergeant Price.

Q. You have seen him? A. I have seen him.

Q. Or Detective Price? A. I have seen him.

Q. Did you ever have any conversation with him? A. None whatever.

Q. Will you swear that you never said to any person that you had to pay money to Price after you had visited Captain Williams? A. Yes, sir; I will.

Q. That is positive? A. That is positive.

Q. Were you engaged in any other business in New York? A. Yes; I have been in the medicine business; manufacturing medicine.

Q. What medicine? A. Different kinds.

Q. You are what is known as a country fakir? A. I don't know, Mr. Goff, as that is the right way to talk to me.

Q. I think it is? A. Do you?

Q. Yes, I think so? A. That is your privilege.

Q. I gave you an opportunity to testify like a man in the way that I know you are if you tell the truth? A. Well, I am telling the truth.

Q. And I know that you are not? A. Well, I am very sorry.

Q. I do not wish to get into a personal altercation with you?  
A. I do not wish to sit in this chair and be insulted by you; I propose to tell the truth.

Q. You are engaged now in the manufacture of a fake medicine? A. I don't understand any such term as that.

Q. Called the Kickapoo remedy? A. I am surprised—

Q. Is that not a fact? A. No, that is not a fact.



Q. Are you engaged in the manufacture of Kickapoo medicine? A. I am; yes, sir.

Q. Indian Kickapoo medicine? A. Yes; is there anything wrong about that?

Q. And you send around through the country about 30 shows? A. Yes, 50.

Q. Fifty shows? A. Yes.

Q. In country towns, to give Indian shows? A. New York is not a country town; I have had them here.

Q. To give Indian shows to get off this Kickapoo medicine, is that not so? A. That is a fact.

Q. And you hold it out as an inducement to your dupes that this medicine is made up by the Kickapoo Indians, do you not? A. I don't think that is the right way to talk.

Q. Don't you? A. I don't wish to be insulted.

Q. You are not so sensitive? A. Yes, I am, and I wish to be talked to right.

Q. A man like you keeping a medical museum? A. I see nothing wrong about that.

Q. I ask you now if you do not engage in sending these shows through the country that pretend to sell medicine discovered and manufactured by the Kickapoo Indians? A. Yes, sir.

Q. And that is fake, is it not? A. Well, I am surprised that a man of your intelligence—

Q. Isn't it false? A. I don't understand any kind of talk like that.

By Senator Lexow:

Q. Is it true or false? A. It is false.

By Mr. Goff:

Q. You are engaged in rolling up a splendid fortune in your business? A. I am doing very well.

Q. And you have recently sent down on organized company for the purpose of selling the Kickapoo Indian medicine down to the West Indies? A. No, sir.

Q. Where? A. I sent a company down to the West Indies, a show company.

Q. Advertising the Kickapoo medicine is an incident of that? A. No, sir.

Q. Do you mean to say they are not going to advertise that?  
A. No, sir.

Q. That company that sailed on the Jacent? A. No, sir, I say so.

Q. Nothing at all to do with the medicine? A. Nothing to do with the Kickapoo medicine.

Q. Or any other medicine you manufacture? A. That I don't know.

Q. What new Indian medicine are they going to propagate down there? A. They are not going to sell Indian medicine.

Q. It is made up on the Indian island in the St Lawrence, that medicine, is it not? A. No, sir.

Q. Is not that where the factory is; among the Kickapoo Indians? A. No, sir; we have a place at Montreal, one in Chicago and one in New Haven.

Q. And that is where the Indian medicines are manufactured?  
A. Yes.

Q. By the way you remember the time that you converted a church in New York into a theater? A. I believe I did try to do it.

Q. That was an old church near the Five Points, was it not?  
A. Yes, sir.

Q. You were not allowed to do it? A. No, sir.

Q. How was it you were not allowed to do it? A. The captain of police in that district said the neighborhood was too rough and he didn't think we would be able to get along there.

Q. What captain was it? A. I disremember his name.

Q. What year was that in? A. I should say it would be seven years ago.

Q. Were you visited by the building inspector? A. I don't remember that they were; I was not there myself; I had a gentleman in charge of it.

Q. Who was the gentleman — Ward? A. I think it was.

Q. Did Ward ever report to you that he had ever been visited by the building inspectors or by the firemen? A. No, sir.

Q. Did you ever hear that money had to be paid or was demanded before you could open that theater? A. There was no money demanded of me.

Q. Did you ever hear of it? A. Of course I have heard such things.

Q. Demanded of your men? A. No, sir.

Q. Who was it demanded of? A. I have read it in the papers.

Q. I am speaking of the church that you tried to turn into a theatre? A. Not from me.

Q. You mean to say it was not demanded of you? A. No, sir.

Q. Or of your men? A. Not to my knowledge.

Q. Did they ever report to you that it was ever demanded? A. No, sir.

Q. Did you ever hear? A. No, sir; I never heard.

Q. And the only reason that you could not open the theatre was that the captain told you the neighborhood was too rough? A. Yes, that was the case.

Q. You spent a good deal of money in trying to adapt the building for the purposes of a theatre? A. Yes, sir.

Q. And you desisted from opening the theatre after the captain told you that the neighborhood was too rough? A. Yes.

Q. The Five Points of Industry was there at that time—that building was there, was it not? A. I don't think it was in that neighborhood; if I recollect it right it was off in this vicinity somewhere.

Q. That is down the old hook; this where the Five Points up here is is Paradise park? A. Yes.

Q. Now, you get the points of compass; now, Mr. Healey, after you spent considerable money in trying to convert this building used as a church into a theatre, you desisted and you lost your money simply because you were told that the neighborhood was too rough? A. Yes, sir.

Q. You mean to say you, who has stated here, that you were doing a legitimate business in the Bowery desisted from carrying on a legitimate business at the Five Points seven years ago because you were told that the neighborhood was too rough? A. Yes, sir.

Q. And you mean for us to take that testimony as true? A. That is what I give it for.

Q. Would the intimation to you by a police captain of any district in the city that the neighborhood was too rough to open a theatre in cause you desist from opening the theatre after you had spent so much money? A. Most assuredly.

Q. It would? A. Yes.

Q. So you regard the word of a police captain of the precinct as the law of the land? A. Yes, sir; I do.

Q. You don't want to have your traveling show companies advertising the Kickapoo medicine arrested, do you? A. I wouldn't care to.

Q. It would cause you a great deal of trouble, would it not? A. Yes, sir.

Q. And break up your sales to a great extent; I believe your sales amount to nearly \$1,000,000 a year? A. We do a pretty good business; I don't know the exact amount.

Q. I give you that as a result of your year's sales of the Kickapoo Indian medicine; did it not reach one year \$1,000,000? A. No, sir.

Q. Near to that? A. Well, three-quarters of that.

Q. And you go over the whole country? A. Yes, sir.

Q. Now, in these country exhibitions, I take for instance the exhibition that took place up at Senator Lexow's home in Nyack, you remember (I don't know that you were present there), this exhibition consists of singing and lectures upon the miraculous qualities and proprieties of this medicine? A. Yes, sir.

Q. And there is an Indian, one of the Kickapoo tribe? A. Yes.

Q. I suppose you got that Indian from the Bowery; is that not so? A. I don't consider this funny.

Q. I am only asking for the fact, it is interesting? A. It is not the truth.

Q. It is not the truth you have a genuine Kickapoo Indian? A. We have a Kickapoo Indian, but not from the Bowery; we have Sioux, Blackfeet, Creeves; we have got over 250 employed.

Q. All to represent the Kickapoo tribe? A. Yes.

Q. And the result of all this is to sell this medicine? A. Of course, it is an advertisement.

Q. And you would not want to run foul of the police department of this city by any testimony you might give? A. I don't care to have anything to do with any police department; I want to be free of them.

Q. You know an injury to the buttons in one town is an injury to the buttons in all other towns — you recognize that, do you not? A. Yes, sir.

Q. And if you should give testimony here affecting the police department of the city of New York, you as an intelligent, experienced man, recognize that that would affect you throughout all the towns of the country? A. Mr. Lexow, I couldn't speak a word against any police captain or officer in the city of New York, because I don't know of anything against them.

Q. I didn't ask you that; I ask you as an enterprising, intelligent man, if you do not recognize the fact that if you did give any testimony against the police officials of New York that it would possibly injure your business throughout the country with other police departments? A. I don't know; that might possibly be the case.

Q. You apprehend that as a danger, do you not? A. I never gave it a thought.

Q. Do you think it now? A. Possibly it may be true.

Mr. Goff.— Is Mr. Moore here?

Mr. Moore.— Yes, sir

Mr. Goff.— And is Mr. Stephens here?

Mr. Stephens.— Yes, sir.

Q. You want to get to New Haven in a hurry? A. I thank you any time you will dismiss me.

Q. And you are anxious to be dismissed? A. You can examine me as long as you please.

Frank G. Moore was then sworn.

Senator Lexow.— You understand that you are under oath and that you must not discuss your evidence or testimony with anyone and stay here?

Mr. Moore.— Yes, sir.

Frederick Henry Stephens was then sworn.

Senator Lexow.— You understand the same thing, that you are now under oath, and that you must not talk with anybody with reference to your testimony.

Mr. Stephens.— Yes, sir.

Charles Harris, having been already duly sworn, was examined by Mr. Goff, and testified as follows:

Q. Now, Charley, take your time and answer the questions slowly, so that the Senators will understand you; you have just come down from the Erie Penitentiary? A. Erie County Penitentiary.

Q. That is from Buffalo? A. Buffalo.

Q. How long have you been in the Erie Penitentiary? A. I was sentenced for two years; I done 20 months there.

Q. That was before you were tried, before you were sentenced? A. Yes.

Q. You were under trial in Ludlow Street Jail? A. Yes, sir.

Q. Had you ever been convicted of a crime before? A. Not except getting drunk.

Q. Had you been sent up for getting drunk? A. Yes; by a certain party, by Judge Divver.

Q. How long did the judge send you up for? A. Sent me up for two months for being drunk and disorderly.

Q. When was that? A. April the 3d, I think, in Jefferson Market, 1890.

Q. That was the April of the same year that you were sent up? A. Not 1890; 1892 I went away.

Q. The presidential election year? A. Presidential election.

Q. In April, 1890, that was the first time you met Justice Divver, was it not; you did not know him before that, did you? A. I lived in the neighborhood; I saw him and knew him.

Q. Did he know you when arraigned before him, as far as you know? A. Yes, sir.

Q. He administered justice to you by sending you for two months to the Island? A. Yes, sir.

Q. Was that the only time you had been in prison before this Ludlow Street Jail experience? A. Yes, sir.

Q. You never had been convicted of the crime of stealing or doing anything of that kind? A. No; never stole anything.

Q. The worst that can be said against you was for being drunk, and you were sent to the Island for being drunk and disorderly? A. Yes.

Q. Did you spend the full two months on the Island? A. Yes, sir.

Q. You did not try to get out before your time expired? A. No; I didn't try to get away because I could do two or three years and I could take it very easy; I didn't try to escape out of the Erie penitentiary.

Q. I didn't ask you about your trying to escape from the penitentiary, I only asked you if you tried to get your sentence remitted? A. I tried to get out and I couldn't get out.

Q. How did you try to get out? A. By sending to certain parties, but they didn't have influence enough to get them to reduce the fine to get out.

Q. That is about the penitentiary; I am talking about the Island; the workhouse; did you try to get out of there before the two months expired? A. Yes, sir; I was sick at the time; I tried to get out but I had no influence to get out.

Q. The fact of your going up there showed that you didn't have much influence; what has been your mode of life, Charley? A. Pluck.

Q. At what? A. I worked for Dennis & Elias, 89 Park place for some time time, and I worked for Robinson & Kohler; that was previous to my wife's demise.

Q. Previous to your wife's death? A. Yes.

Q. And you are a widower now, is that so? A. Yes, sir.

Q. How long is it since you have come to New York? A. Where; from Buffalo?

Q. The first time that you came to New York? A. Seventeen years ago.

Q. And where did you come from? A. San Francisco, California.

Q. That is where you were born? A. Yes.

Q. And during your 17 years of life in New York, you have been knocking about? A. Knocking about; yes.

Q. Let us come down to 1892, the year of the presidential election—did you register with the intention of voting that year? A. I registered; yes.

Q. Where did you register? A. I registered when I was staying at 180 Park Row; I registered there under my name as Charles Harris.

Q. That is your right name? A. My right name.

Q. And you registered there on one of the early registration days of the campaign? A. Early registration day; I think it was the first or second day.

Q. Now, do you remember the third day of the registration; that is the Friday? A. Friday; yes, sir.

Q. Do you remember going down to Oliver street? A. No; Roosevelt street?

Q. How did you come to go to Roosevelt street? A. Well, a party said, "You are pretty hard up; now, I can give you a chance to make a few dollars; go and see a certain party, Jimmy Divver, and you will be fixed all right, and they will give you something to do, and you will be well protected."

Q. Who said this to you? A. I don't know the party's name; but I know that Los Curtis was the man that sent me across the street to Divver.

Q. That was said to you in Chatham Square; was it not? A. No; Roosevelt street.

Q. You were told first that if you wanted to make a few dollars to go down to Roosevelt street? A. Yes, sir; I was outside of Dan Rourke's saloon, 180 Park Row.

Q. That is Park Row? A. Park Row.

Q. Don't you remember the name of the man that told you that? A. No.

Q. Who was he; a man whom you had met in a lodging-house? A. Yes; a poor unfortunate like myself.

Q. Did you do what he told you? A. I did.

Q. Now, tell us what you did, after he told you — this was in the morning, was it not? A. It was about half past 1 in the afternoon.

Q. About half-past 1 in the afternoon? A. Yes.

Q. Where did you go? A. I went down to Roosevelt street.

Q. Whom did you meet in Roosevelt street? A. I see Los Curtis.

Q. Did anybody go with you? A. I went alone; there was a gang going back and forward registering.

Q. Near the registry place? A. Yes.

Q. You say you met Los Curtis? A. Yes.

Q. Who was Los Curtis? A. He kept a kind of dive there; he is one of Divver's right bowers.

By Senator Lexow:

Q. What Divver do you refer to? A. Jimmy Divver, now holding a position in the Second District court; civil court.

Q. He is there yet? A. Yes, sir; and he give me a nice reception the day after I came down.

Q. We will come to that later; now, have you seen Los Curtis since you have come down? A. No; I heard he was out with a gun looking for me.

Q. You say Los Curtis told you to go over there? A. He says there is your man now; there is Jimmy Divver.

Q. Did you know Jimmy Divver? A. I knew him; yes.

Q. You had seen him before? A. Seen him before; yes, sir.

Q. Did you understand what Curtis meant when he said there is your man; there is Divver? A. Yes; supposed to go over and register — colonize.

Q. That is what you went there for to see Divver? A. Yes, sir.

Q. What did you say to Divver and what did Divver say to you? A. I didn't say much to him; he said, "I suppose you are one of the crowd; take this name;" and he handed me a slip of paper.

Q. "I suppose you are one of the crowd; take this name?" A. Yes, sir.

Q. And he gave you a slip of paper? A. Yes, sir.



Q. Was there anything written on that slip of paper? A. The name of Patrick Ryan.

Q. Was there anything said about where you should register from? A. Imperial Hotel, corner of Pearl and Park.

Q. This paper was a narrow slip? A. A narrow slip; it was only to remember the name.

Q. And he told you where to register as Patrick Ryan? A. Yes, sir.

Q. What did you do after you got that; did you go and register? A. I did.

Q. Went into the registration place? A. I did.

Q. Do you know the name of the inspectors? A. I don't; I know the number well; I knew the number of the place well, No. 27 Roosevelt place.

Q. That was the polling-place? A. Yes, sir.

Q. When you went in were you sworn? A. I was.

Q. Do you remember what answers you made? A. Well, I only said a word or so; it was a pretty well understood thing.

Q. Do you remember if you were asked whether you were a naturalized citizen or native born? A. Native born.

By Senator Bradley:

Q. Were you asked that question? A. Yes, sir.

By Mr. Goff:

Q. As Patrick Ryan? A. Yes, sir.

Q. You gave your name as Patrick Ryan at the Imperial Hotel? A. Yes.

Q. Your name was put down on the register? A. Yes.

Q. And you left? A. I left; and about 10 feet out of the registration place Divver slipped me a 50-cent piece.

Q. Now, did you see that done to other men beside yourself? A. Oh, yes; they were going down there in gangs all day long.

Q. And did you see Divver hand money to other persons besides yourself? A. He handed it to a hundred there.

Q. He stood on the sidewalk and did this thing in front of the registration place? A. Yes; walking back and fro.

Q. It was an understood thing among the occupants of the lodging-houses all around Chatham Square and Park Row? A. Yes; colonizing.

Q. They thought they could do this thing as often as they liked? A. Yes, sir.

Q. And 50 cents a head was the price paid? A. That was about the average.

Q. After you got your 50 cents there had you any further experience that day? A. Not that day.

Q. That was Friday; that ended your experience that day? A. Yes.

Q. Now, the next day, Saturday? A. Saturday I was standing down there in Park Row, and, of course, there was a great deal of talk in the lodging-house, and a party said you can go again; he said, Newton, you are pretty hard up, go to Assemblyman Callahan, and he will fix you; that was Michael Callahan, 12 Park Row.

Q. He also kept a place at Chatham Square? A. That is the place.

Q. Did you go to Callahan's? A. I did.

Q. Did you know Callahan? A. He was identified.

Q. How? A. I see parties going back and forth there from the Doyer street entrance of his saloon, and he was passing them money, and they were going from certain lodging-houses around there and registering.

Q. And you took that an identification of Callahan? A. Yes.

Q. You were pretty sure of your man then? A. Yes.

Q. Did you approach Callahan? A. I stood there; he said, I suppose you are out for game; you can go and make a few pennies.

Q. Make a few pennies? A. Yes.

Q. What did you say? A. Well, I said I might as well be hung for a sheep as a lamb.

Q. What was done then? A. Coming back Callahan paid me in his saloon.

Q. What did he do then? A. He gave me a name in a little room in the back of his saloon on the left hand side.

Q. How did he give you the name? A. Just the same as I had before; I forget the name.

Q. It was not the same name? A. No; no.

Q. Another name? A. Another name.

Q. He gave you a slip of paper upon which a name was written, is that it? A. Yes.

Q. Did he tell you where to register from? A. The Grand Central lodging-house there, about two doors from his saloon.

Q. Grand Central lodging-house; did you go and register in that name? A. I did.

Q. Where did you register? A. Next to Barnum's clothing store; I believe it is there.

Q. Next to Barnum's clothing store in Chatham Square? A. Yes, sir

Q. That was the registration place? A. Registration place that year.

Q. And you took the oath there the same as you did in the other registration place? A. I did.

Q. And put yourself down as a native born citizen again? A. Yes.

Q. Did you try it again? A. Yes.

Q. The same day? A. About two hours afterward I went up.

Q. After you registered in this place next to Barnum's store did you see Callahan? A. I did; he paid me

Q. Did you go back to his store? A. I went back to the store and he paid me in the narrow entrance there in Doyer street.

Q. He paid you? A. Yes, sir.

Q. How much did he give you? A. A dollar; two 50-cent pieces.

Q. So you got more than you got from Divver? A. Yes.

Q. Did you try it again? A. Then the time that I was arrested I went up to 141 Grand street; that is a pool place there.

Q. Before you go any further, tell us how you came to go to 141 Grand street; how did you come to go to the next polling place? A. They said Dineen is up there; he is looking for you, Tom Deenan.

Q. Who told that to you? A. A party in Callahan's.

Q. Same gang? A. Same gang.

Q. Same gang in Callahan's told you what? A. To see Tom Deenan in Grand street.

Q. Did you go to Grand street? A. I did; there I registered under the name of Martin Newton.

Q. That was the third registration after the genuine registration? A. Yes.

Q. Four altogether? A. Four.

Q. Did you know Deenan? A. I did not.

Q. Did you hear who he was? A. No; but a party pointed him out and said, "There is your man; he will give you a name."

Q. Did you go over? A. I did.

Q. What did Deenan do? A. He handed me a slip of paper.

Q. The same as the other? A. Yes; similar.

By Senator Lexow:

Q. Were the slips all about the same? A. About the same.

Q. Same size? A. Same size.

Q. Did they all look as though they had been made according to one scheme? A. Yes.

Q. Were they the same size and everything the same? A. Yes; same size.

By Mr. Goff:

Q. Was the name Martin Newton written on the slip that Deenan gave you? A. It was.

Q. Who is this Deenan; does he hold office? A. I think he is a clerk in one of the police courts.

Q. What did you say to Deenan and what did he say to you? A. I went and registered and going out he handed a party with me that went up there to register, named Thompson, he handed him \$2, and Thompson changed it there in a confectioner's store; right around the corner in a pool place, and he gave me a dollar.

Q. Thompson was one of the colonizers also? A. Yes, sir.

Q. He came from a lodging-house, too? A. Yes, sir.

Q. And you and Thompson were together when Deenan gave you the slip of paper? A. Yes, sir.

Q. And after you came out of the registration place you saw Deenan give Thompson a two-dollar bill? A. Yes, sir.

Q. And Thompson changed it and gave you a dollar? A. A dollar.

Q. That was on Saturday? A. Saturday.

Q. Last day for registration? A. Last day.

By Senator Lexow:

Q. Was that all the registration you did? A. That is all.

Q. Four times? A. Yes, sir.

Q. These gangs that you speak of, did you know them individually? A. No; just merely on account of coming out of the lodging-house; stopping there; of course, they have all been away since I come out.

Q. Do you know as to whether or not these others registered any oftener than you did? A. No.

By Senator Bradley:

Q. Did you have any conversation in the lodging house about it? A. No, sir.

Q. Did you see these men register oftener than you did? A. No; I saw them only just on the day that I registered.

By Mr. Goff:

Q. Did you not understand you were to vote on election day on these names? A. I did; but I didn't get a chance to vote.

Q. Did you understand you were to be paid for your vote on each of these names? A. Yes; and to be protected.

Q. Who told you that you would be protected? A. They all told me I would be protected.

Q. When you say they all told you, whom do you mean? A. They all said, "Take this; here is the money; you will be all right, and don't fear nothing."

Q. Now, the first one, we will say, Jimmy Divver; did he say that? A. He was the first one; he said, "You will be well protected; take this and I will see you right."

Q. Now, what did Callahan say to you upon that point? A. Callahan said, "You won't get into no trouble; keep on doing it."

Q. What did Deenan say to you upon that point? A. Deenan didn't say much, because he paid Thompson, and I only got the money off Thompson.

Q. Didn't you hear it, the Senator has asked you, did you not hear it spoken about in the lodging-houses, or in the lodging-house where you stayed at the time when you gathered around the stove at night? A. Oh, yes; they spoke about it; they said, "We will make a banner district out of the ward this year."

By Senator Lexow:

Q. Did any of these men, that were registering like you, did they vote how many times they had registered; did any of them say what was the largest number of times? A. No; they didn't say; but they said we won't be short or dry as long as we can register.

Q. You mean by that that they could get whisky enough by registering and money? A. Whisky and money — money was the principal thing.

By Mr. Goff:

Q. It was an understood thing around among all the men stopping at the various lodging-houses there in that neighborhood that they were all to register and vote as frequently as possible? A. And make a banner district out of the ward.

Q. There was a banner up for the prize — did you hear anything about it? A. No; I didn't hear much about that, because I didn't get a chance to hear anything about that.

Q. Now, Saturday night, what occurred to you on Saturday night? A. Coming down Park Row, a marshal met me and he said, "Newton, there is a sick man over here — as long as you started in to register; I didn't understand he was a marshal then, but I found out afterward to my sorrow; he said, "Just wait here and then we will go over," he says, "and I will get the name for you," and he went over to the Federal building above the post-office and arrested me.

By Senator Bradley:

Q. Did he bring over the sick man to you? A. Oh, no.

By Mr. Goff:

Q. Well, proceed. A. I didn't see the sick man; I was placed for preliminary examination that night in the post-office building; he said, "Now, we have got the king of the colonizers; we will fix them now."

Q. Who said that? A. One of the parties connected there.

Q. One of the marshals? A. One of the marshals.

Q. You were sent to jail, were you not? A. Ludlow street jail.

Q. How long were you kept there? A. The night I was there was October 29, 1892, and I was kept there in Ludlow street jail until March 26th, which was Saturday, and I was sent away to the Erie penitentiary.

Q. Do you remember when you were brought before Commissioner Shields, a United States commissioner? A. I do.

Q. Did you plead guilty? A. I took a plea of guilty.

Q. You plead guilty? A. Yes, sir.

Q. Did you hear from any of these men that gave you the money to register why you were in Ludlow street jail? A. I did not; I wrote to them, but received no answer.

Q. To whom did you write? A. I wrote to Jimmy Divver.

Q. What did you write? A. I said, "I want protection or I suppose I will be put away."

Q. Were you asking him for help? A. I was asking him to get me out of the trouble.

Q. Did you hear from him at all? A. I did not.

Q. When did you see him after you were arrested for the first time? A. I met him in the Federal court, when I was a witness against him.

Q. Did any one approach you or talk with you about Divver while you were in prison? A. Mike Padden came there.

Q. Came to Ludlow street jail? A. Yes, sir.

Q. Who is Michael Padden? A. He keeps some place down in Roosevelt street there.

Q. Liquor store? A. No; kept a kind of boarding-house; sailors' boarding-house, I think.

Q. When Michael Padden came to Ludlow street jail, what did he say? A. He said, "It will be all right; you keep quiet, and take your time, and you will get out."

Q. Was there anything said to you about the identification of Divver? A. Except in the court-room where I failed to identify him, a week previous, before I was sentenced.

Q. Why was it you failed to identify him? A. Because I thought that I might as well suffer; there was no use in making two suffer.

Q. When you failed to identify Jimmy Divver in the court was he before you? A. He was sitting about 10 feet away from me.

Q. You knew him? A. I knew him.

Q. How was it you failed to identify him? A. Well, I thought there was no use making two suffer; I thought he would do something for me; get me out.

Q. You thought he would do something for you? A. I did.

Q. Did anyone ask you not to identify him? A. No; but I thought that he would do something for me, and he did do something for me in the court-room.

Q. What did he do? A. Borrowed a sum of money off his father and handed me one \$10 bill.

Q. How do you know he borrowed it off his father? A. I saw him get the money.

Q. Saw him get the money from his father, Judge Divver? A. Yes, sir.

Q. The same judge who sent you up to the workhouse? A. Yes, sir.

Q. The judge was in court? A. In court at the time, and a lawyer standing beside the judge and the son; I don't know what lawyer it was.

Q. Didn't the lawyer visit you in Ludlow street jail about the matter? A. The only lawyer that came to Ludlow street jail was a lawyer that was assigned me — Lawyer Pinkhurst.

Q. He was assigned to defend you? A. Yes, sir.

Q. What did Pinkhurst go to the jail for? A. It seems he was in collusion with Divver, and he got me to sign an affidavit.

Q. What was in the affidavit? A. Exonerating Divver; that I couldn't fully recognize him.

Q. Was that affidavit prepared before you signed it? A. The affidavit was written there in the presence of John McCabe who witnessed it; he was deputy warden of Ludlow street jail.

Q. And this was the lawyer that was assigned to defend you that got this affidavit? A. Yes, sir.

Q. Do you know where his office is? A. He keeps over in Brooklyn somewhere.

Q. What did Mr. Pinkhurst say to you when he saw you about signing this affidavit? A. He said, "You won't be in longer than six months, you will get out of it, you will be pardoned by President Cleveland."

Q. Was there anything said about it being a condition of your pardon that you should sign this affidavit; tell us what was said? A. Pinkhurst said, "It's no use your trying to convict Divver; it will be all right; I will do the best I can for you; I will give this to Divver; in the first place the judge said he can do nothing for you because you are trying to put away his son."

Q. You were held as a witness against his son? A. Yes, sir.

Q. And this was what Pinkhurst said to you, that Judge Divver said he couldn't do anything for you as long as you were trying to put away his son? A. Yes, sir.

Q. But if you signed this affidavit you would get a pardon? A. Yes, sir; inside of six months.

Q. You signed the affidavit for Pinkhurst? A. Yes, sir; and John McCabe was the notary public that witnessed it; the deputy warden of Ludlow street jail.

Q. In court you say Divver was before you? A. Yes.

Q. And you failed to identify him? A. Yes.



Q. What did you say? A. I told District Attorney Mopp I failed to identify him; he said I had a very poor memory in a court-room; I said I failed to identify him, and then Mopp began to browbeat me.

Q. Was it on the witness-stand that you saw this money transaction between young Divver and the elder Divver? A. While I was in the court sitting alongside of Judge Benedict.

Q. That is, sitting in the witness-chair? A. Yes.

Q. Tell us exactly what you saw? A. I saw him put his hand in his pocket, and he couldn't find any money, and he turned around and his father handed him the money, and he gave me the money going out, and Judge Benedict said I was discharged; I said, "I am discharged; I am glad I am a witness;" and then the marshal grabbed hold of me, and said, "It will be many a months yet before you are discharged."

Q. You were on your way out when Divver gave you the \$10-bill? A. Yes, sir; going out.

Q. He handed it to you right in the court-room? A. Right in the court-room.

Q. And a short time after that you were brought up for sentence? A. Four or five days—the following week.

Q. What was that marshal's name that caught you going out? A. Soloman.

Q. And what did Soloman say to you, if anything, about the transaction, about your failing to identify Divver? A. He said, "What did you catch; did you catch a century;" "No;" I said, "I caught an X."

Q. The marshal asked you if you caught a century? A. Yes.

Q. And you said, "No; I caught an X?" A. Yes.

By Senator Bradley:

Q. The Senator must have seen you get the money? A. He did; he seen Divver hand me the money.

By Mr. Goff:

Q. You were brought up a few days afterward for sentence? A. Yes, sir.

Q. And you plead guilty? A. I plead guilty; I had previously pleaded guilty.

Q. Did you give up any of that \$10 you got to anyone? A. I was drinking with the marshal.

Q. Did you treat the marshal out of this \$10? A. I never seen them have a cent; they brought me back 20 times, and they were always looking for cigars and a treat.

By Senator Bradley:

Q. The lawyer wants to know if you always treated them? A. I did.

By Mr. Goff:

Q. On your way to Ludlow street jail that night, after you got the \$10-bill, did you stop in any place to drink? A. Yes; and bought a bottle and took it back to Ludlow street jail.

Q. Bought a bottle of whisky? A. Yes.

Q. And did the marshal see you change the X? A. No; because I had some change besides that.

Q. You did not change that then? A. No.

Q. How did you get money to have in your pocket in jail so long? A. By doing odd little favors for prisoners there; they used to give me a few pennies.

Q. The prisoners in the Ludlow Street jail, the boarders there? A. They were paying \$15 a week board.

Q. They lived a little better than you? A. Oh, yes; they got out of it, too; Love was out of there a month after.

Q. Who? A. Some president of an insurance company, for appropriating \$10,000.

Q. And he soon got out of Ludlow Street jail? A. Oh, yes.

Q. There were others there that paid \$15 a week? A. Yes; several.

Q. You did not get the same fare that they got? A. No; they were seated at a table there; they had knives and forks, and I had a spoon to eat with.

Q. You were sent up for two years by Judge Benedict? A. Yes, sir.

Q. And your sentence expired when? A. Last Monday.

Q. And you came down? A. Yes, sir.

Q. You had a prison suit of clothes? A. Yes, sir; paper suit.

Q. How did you get those clothes? A. I sold the paper suit for \$2.50 in Baxter street, and they gave me this in return; they would sell the paper suit, I suppose, to some countryman.

Q. What do you mean by a paper suit? A. A cheap suit; if a shower would fall on it it would fall apart and I would have no clothes on.

Q That is the suit that was given you when you left the penitentiary? A. That is the suit.

Q. The suit of clothes that you received on leaving the penitentiary you sold that for \$2.50 in Baxter street? A. Yes, sir.

Q. And you got a suit in return? A. This suit here.

Q. That cost you \$2.50? A. They gave me this in return.

Q. To boot? A. To boot.

Q. You got \$2.50 and that suit? A. Yes, sir.

Q. Did you see any of the persons who induced you to register falsely? A. I did; I saw Jimmy Divver when I come down last Tuesday.

Q. Did you have a talk with him? A. Yes; he said, "I don't care what you do."

Q. What did you say to him? A. I said, "What am I going to do now; I have got my hand injured."

Q. How did you injure your hand? A. Up in the bake-shop there in the penitentiary.

Q. In the prison? A. Yes; I said, "What is going to be done for me now;" he said, "get out of here or I'll put you away for blackmailing; I wouldn't buy you a sandwich now."

Q. What did he do; did you see him do anything after he said that? A. No; I left the court-room.

Q. Did you see him speak to an officer? A. He turned to say something; I couldn't say whether it was an officer or not; he said, "I will have you fixed, if you bother me."

Q. Did you say anything to him about coming before this committee? A. I did not; I said, "I will fix you in the New York World."

Q. Did you see any of the other parties? A. No; I did not.

Q. He is the only one? A. He is the only one.

Q. And that is your experience, Charley, in attempting to vote in New York? A. Yes, sir.

Q. Had you ever voted at previous elections? A. Oh, yes.

Q. Was that the first time you ever fraudulently registered? A. That is the first time; yes.

By Senator Bradley:

Q. You say going from the court-house to Ludlow street jail that evening, you had several drinks, and you also bought a bottle of whisky? A. Yes, sir.

Q. Did you take that bottle of whisky into the jail? A. I did.

Q. You were not searched going in, were you? A. It is an understood thing there; Dunlap was warden there; he didn't care; there was no searching going in.

Q Did anyone in the prison see you with the bottle of whisky when you got in? A. I drank it there with a couple of prisoners.

Q. You didn't divide it with the keepers? A. No.

The stenographer is requested to note that Mr. Criver was called at 20 minutes past 5 o'clock and failed to respond.

Adjourned.

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Proceedings of the sixtieth session, Tuesday, December 4, 1894, 10:30 a. m.

Present.— Senators Clarence Lexow, Daniel Bradley, Edmund O'Connor, Cuthbert W. Pound, Jacob A. Cantor and George W. Robertson. John W. Goff, Frank Moss and W. Travers Jerome, of counsel for the committee.

Mr. Goff.— There has been a mistake about the books which a witness here should have presented under the subpoena, and we ask that the committee excuse him to enable him to go to his office and get all the books called for by the subpoena.

Senator Lexow.— What witness is it?

Mr. Goff.— Charles Dameseaux.

Senator Lexow.— How long will it take you to go and get the books?

The Witness.— Two hours.

Q. Then be here at half-past 2 o'clock.

Charles Dameseaux was then duly sworn, and testified as follows: |

By Mr. Goff: |

Q. You are secretary for the French Cooking Society? A. No, sir.

Q. What position do you hold? A. I am the bookkeeper; no secretary — bookkeeper.

Q. And the books of that society are in your keeping? A. Yes, sir.

Q. The whole of the books? A. Yes, sir.

Q. Now what books are in your keeping? A. You have got the list.

Q. Just name me all the books you have? A. The minute, the ledger.

Q. Is there not a minute-book there? A. Yes, sir.

Q. Is there not a journal? A. Yes, sir.

Q. That is three? A. Yes, sir.

Q. Is there not a financial secretary's book? A. No, sir.

Q. Is there not an expense book? A. No, sir.

Q. Is there not a book specially kept for the expenses of the balls? A. That is there (indicating).

Q. Is this the one here (indicating)? A. Yes, sir.

Q. Three books are all the books you have in your charge? A. Yes, sir.

Q. The ledger, the minute-book and the journal — those three? A. Yes, sir.

Q. And the one that is now in court? A. Yes, sir.

Q. That makes four books, altogether? A. Yes, sir.

Q. Have you got a check-book? A. No, sir.

Q. Do you keep a bank account? A. No, sir.

Q. What book is it that you entered the accounts of your balls? A. In that one (indicating).

Q. And the expenses for your balls? A. That one, sir (indicating).

Q. Now, there were five or six books belonging to your society still up at your office? A. Yes, sir; we have got a book to give receipts.

Q. I want you to be careful about those books? A. Yes, sir.

Q. There are more books in your possession belonging to the society than those you have told me about? A. Yes, sir.

Q. What other books are there? A. I couldn't tell you in English.

Q. I want you to bring down every scrap of paper; I want them here; all these books; now, don't fail to bring them; every book? A. Certainly.

Edward H. Horner, being duly sworn, was examined by Mr Goff, and testified as follows:

Q. You have got your subpoena with you? A. Yes, sir.

Q. What is your business? A. Real estate business.

Q. When did you get into the real estate business? A. Since the last two years.

Q. When did you get out of the Austrian bond swindling business? A. I never was in; not in the swindling business.

Q. You were in the Austrian bond business, were you, for many years? A. For about 10 years.

Q. And also in the Italian bond business? A. Yes.

Q. And the Royal Hungarian bond business? A. Yes.

Q. Any other bond business or robbery business? A. Not in the robbery business.

Q. Are those the only bonds that you dealt in? A. European premium bonds.

Q. Where did you get your business? A. You will excuse me, I speak so little English; I am a German.

Q. You speak English good enough; where did you conduct your business; where was your office? A. My office was 50 Exchange place.

Q. How long have you had an office there? A. Since a year.

Q. Where did you have your office while you were conducting this bond business? A. In Wall street.

Q. What number? A. Eighty-eight.

Q. Eighty-eight Wall; how many clerks did you employ there? A. At that time 15 or 16.

Q. Where are your books? A. I stopped the business.

Q. I didn't ask you that; where are your books? A. in the office.

Q. In your office? A. Yes.

Q. How many books have you? A. I can't tell you; a good deal of books.

Q. Connected with this bond business? A. Yes.

Q. Have you threatened to destroy those books; have you told anyone that you would destroy them? A. I destroyed some books; I sold them when I stopped the business two years ago; I transferred the business.

Q. Did you not destroy some books since you feared you would be subpoenaed before the committee? A. No; not since two years ago.

Q. Did you not tell some one you would destroy your books? A. No, sir.

Q. What books did you destroy? A. I didn't destroy any books.

Q. Have you got all the books you have now in your business? A. Since two years I didn't destroy any books.

Q. Have you got all the books now which you had in your business for 10 years while you were selling these Austrian and Hungarian bonds? A. No, sir.

Q. What became of them? A. I transferred that business to a man named Kuhner, and he kept some of the books there from that business; I was forced to take that business back again, and he kept some of the books.

Q. What is his name? A. Emil Kuhner.

Q. Where is he to be found? A. He is now in 11 Howard street; his private residence is Seventy-first street; No. 110.

Q. You say he took some books from you? A. Yes.

Q. And he kept them? A. Yes, sir.

Q. How many books did he keep? A. I can't tell you; I don't know.

Q. One or a dozen? A. I don't know.

Q. Twenty books? A. I don't know just exactly how many books.

Q. Now, you have been talking to Detective Heidelberg about your being a witness before this committee; have you? A. Yes.

Q. And Heidelberg advised you what to do? A. No, sir.

Q. What did you go and talk to him for? A. I saw him and I told him Mr. Lowe told me I should be called up before the committee about the police.

Q. Did you go and see Heidelberg? A. I was not going to see him.

Q. Why did you talk to him about it? A. I saw him.

Q. Why did you talk to him about it? A. I was in the car; I was going home from the office and I saw him in the car.

Q. It was a very convenient place to meet? A. I was not in his residence, or he was not in mine.

Q. You told Heidelberg about your books, that you hadn't your books, did you not? A. No, sir.

Q. He has been your particular friend for a number of years in New York city, has he not; I want an answer and not a shake of the shoulders; you are under indictment now for grand larceny, are you not? A. Yes.

Q. Did you tell Heidelberg that you had destroyed your books? A. No, sir.

Q. Did you say anything to him about your books? A. No, sir.

Q. Did he say anything to you? A. No, sir.

Q. Not a word passed between you? A. No, sir.

Q. What did you say? A. Nothing; I told him only I heard that I would be called before the committee.

Q. Why did you speak to Heidelberg about it? A. Well, we speak together for about five minutes.

Q. No matter how many minutes; why did you speak to a detective sergeant about your being called before this committee? A. Mr. Lowe, my lawyer, told me I would be called before the committee here in regard to the police, and a few days after I saw Heidelberg, and then I told him that, that I will be called.

Q. Then you went and told the policemen to whom you had been paying money for protection for years? A. I didn't pay him anything.

Q. Didn't pay who anything? A. For protection.

Q. Paid who anything? A. To the police.

Q. I said Heidelberg? A. I didn't pay Heidelberg.

Q. I would have been surprised if you had testified to anything else; what I am after now is your books? A. You can see my books, if you can find anything in my books; I have no account with the police, and I never paid anything for protection.

Q. You have been engaged in swindling here in New York for the past 10 years, carrying on a swindle with its ramifications throughout the country? A. I was not engaged in any swindle.

Q. You have simply been plundering your poor country people of hundreds and thousands of dollars for 10 years here in New York with the knowledge of the police, have you not? A. No.

Q. These Austrian bonds and Royal Hungarian bonds and Imperial bonds; they are all swindles? A. No.

Q. Do you mean to say they were genuine bonds? A. I say it is not a swindle.

Q. How many years is it since you have been in Germany? A. About 40 years.

Q. Forty years; how many years is it since you have been in Germany? A. About 12 years, or 14 years.

Q. You read the German papers, do you not? A. Sometimes.

Q. Every day? A. Yes.

Q. And you read every day for years the German newspapers in your own language calling you a swindler and a thief, have you not? A. I don't read every day the newspaper.

Q. Did you not read in the German newspapers, in your own language, where you were described as a swindler and a cheat? A. No, sir.

Q. And warned your country people against you? A. No newspaper says that I am a thief.



Q. Do you mean to say the German newspapers of this city did not call you a swindler? A. Yes.

Q. You mean to say that the German newspapers of this city have not warned the poor Germans to keep away from your swindling bond concern, have they not? A. Yes.

Q. And there have been 50 indictments over your head at one time for your bond swindles, have there not? A. Not about the bond swindle; only for the reason I used the mail; that is all.

Q. To mail your bond swindles and your swindling circulars—55 indictments at one time? A. No, sir; not one.

Q. How many indictments were hanging over your head at one time in connection with this bond business? A. Not one.

Q. Well, for using the mails? A. Not one.

Q. What were the indictments for? A. Only for using the mails.

Q. That is what I am asking you, for using the mails, for the purpose of swindling; is that not the fact? A. No, sir.

Q. What was it using the mails for—immoral purposes? A. Since the lottery bill was issued, we were not allowed to use the mails for drawings.

Q. Sending the drawings of your bonds and lottery? A. I had no bonds; I never issued any bonds.

Q. You go from here and bring up every book that you have? A. Then I must bring two wagons.

Q. Bring a dozen vehicles, if necessary, but bring up your books here? A. Yes.

Mr. Goff.—That is the order, as I understand.

Senator Lexow.—Yes; the stenographer will make a note to that effect, that the witness is to bring up all his books.

The Witness.—What kind of books shall I bring?

Mr. Goff.—Every kind of books, and don't forget your check-books, your stub-books.

Senator Lexow.—And return at half-past 2 this afternoon.

The Witness.—I have got three or four wagons of books.

Senator Lexow.—Then to-morrow morning at half-past 10.

The Witness.—One wagon will not be enough?

Mr. Goff.—We have got nothing to do with that.

Senator Bradley.—There are plenty of truckmen idle in New York.

Josephine de Bayler, being duly sworn, was examined by Mr. Moss, and testified as follows:

Q. Where do you live? A. I live at 217 West Twenty-seventh street.

Q. You were arrested a little while ago, were you not? A. Yes, sir.

Q. When was that? A. About the 7th of August, I think.

Q. This year? A. Yes, sir.

Q. Where were you living then? A. One hundred and thirteen West Thirty-second street.

Q. Were you keeping a house there? A. Yes, sir.

Q. You sold that house to somebody, did you not? A. I did not.

Q. You came in contact with a man that got the house from you? A. He robbed me out of the house.

Q. What was his name? A. Charley Davis.

Q. Do you see Charley Davis in court? A. He is in court; I seen him come in.

Q. Look around and see if you see him? A. Yes; he is over there (indicating).

Q. Will Mr. Davis stand up, please; is that the man (indicating)? A. Yes, sir.

Q. Now, tell us how he robbed you of the house? A. I was arrested; I hadn't any money to pay my lawyer and to pay my fine whatever it might be; I only had \$28 in my pocket, and I was locked up, and not being used to being locked up it frightened me so that I would give anything to get out that night, and a gentleman that lived with me I go him to get someone that would go my bail, and he went off to try and find four or five people, and they recommended him to Charley Davis.

Q. This man here, your bailee? A. Yes, sir; they recommended him to me, and he wanted to know if I had any money; I told him yes; he come to me in prison to get money; I gave him \$10 first; he was not satisfied with that; he come back and got \$5 more; I gave him that; then he brought me up into the warden's room to sign a paper, and asked me did I know his name.

Q. This man went your bail, Davis? A. Yes, sir.

Q. Did he go by his right name? A. No, sir; he put on another name; I forget it, though I know if I hear it called.

Q. It was another name? A. Yes, sir.

Q. Was it Halligan, or something like that? A. Yes; I think it was.

Q. Who was the sergeant? A. John J. Halligan, I think.

Q. Who was the sergeant that took the bail? A. Sergeant Lane.

Q. Do you see Sergeant Lane in court? A. Yes, sir.

Q. Will Sergeant Lane stand up — what station-house was that? A. Thirtieth street.

Q. Nineteenth precinct? A. Yes, sir.

Q. Did Sergeant Lane know Charles Davis? A. Yes, sir; I suppose he did.

Q. Why do you suppose he did? A. Why, Charley Davis said he knew him.

Q. Charley Davis told you he knew him? A. Yes, sir.

Q. Was there any greeting between them when they met; did they speak to each other? A. Yes, sir; they spoke as if they knew each other.

Q. What did they say? A. They called me into the private office to sign a paper, and he told me after that that he knew him; he paid him to run his business.

Q. Charley Davis said he paid him to run his business? A. Yes.

Q. Whom? A. Paid the captain and sergeant.

Q. Is Davis running any place now? A. He is running my house; he was pulled in it, and I had it done myself, because he would not allow me to run it, and he continued running it; I wanted to know how was it he could run it and wouldn't allow me to live in it.

Q. You were arrested and your business broken up? A. Yes, sir.

Q. And Charley Davis went in and took the house? A. Yes, sir.

Q. And went your bail at the time you were arrested? A. Yes, sir.

Q. And continued to run the house, and runs it now? A. Yes, sir; he is running it now.

Q. Now, tell us about the money that Davis paid Lane. A. I give another man the money to give Charley Davis, and he give him the money, and when he come out he said, "You see, I haven't got a cent of that; I had to pay it all to the sergeant;" I said, "Never mind, Mr. Davis, I will reward you for it just as soon as you get me out of this trouble."

Q. Did you see the money paid? A. I see a friend of mine give the money to Charley Davis.

Q. How long after the money was given to Davis were you taken out before the sergeant? A. About two minutes.

Q. Was the money given in the station-house? A. Yes, sir.

Q. And then Mr. Davis signed the bail bond and you were released? A. Yes, sir.

Q. How long had you been in the station-house before that? A. About two hours.

Q. You were two hours before you paid \$15 and two minutes after you paid \$15? A. I judge it was about two hours; I didn't have no time behind the bars.

Q. Is there anything else that you know? A. Is there anything else you want to ask me?

Q. Regarding that matter? A. No, sir.

Q. Nothing you have not testified to? A. No, sir; only why I came to the committee, I was recommended to a Mr. Goff, thinking he would get my things; the man promised to pay my fine, and he forfeited his word and didn't do anything, and they told me to plead guilty, to send me to prison, and then sold all my clothes, and took possession of my house, and left me a beggar.

Q. Who was that? A. Charley Davis, the same man.

By Senator Bradley:

Q. How much money did you pay altogether to Charley Davis? A. Well, between them they spent about \$28 that night, which is all I had.

Q. Did you pay anything since? A. No, sir.

Q. Was there any money demanded of you since by him or any other person? A. No, sir; he has got enough; all my clothes and everything else.

Q. Did you own the house? A. I leased the house.

Q. You owned all the furniture in the house? A. Yes, sir; I bought it on time; it was in my name.

Q. Are you sure that Charley Davis is running that house as a disorderly-house now? A. I am not sure now.

Q. Since when did you know — how long is it since you knew he was running that house, yourself, personally? A. It has been about two or three weeks since he was pulled in it; he ran it as a gambling-house and disorderly-house.

By Senator Pound: |

Q. Did you own the house? A. No, sir; I had a lease of it.

Q. Did he steal possession of the house away from you? A. Yes, sir. |

By Senator Bradley: |

Q. You did not give him a paper giving him the occupation of the house? A. I signed a paper that he should pay my fine and pay my lawyer, and he didn't do anything.

Q. Did you give him a bill of sale? A. No, sir; I signed it in the presence of a lawyer also—Gibbons—that he would pay my lawyer and pay my fine, whatever it might be, and when he heard what the judge said he walked out and didn't come near me any more. |

Q. The document that you signed — did he read it to you before you signed it? A. Yes, sir. |

Q. The contents of it? A. Yes, sir. |

Q. Then you acquiesced in the transfer; you must have given your consent to the transfer? A. I gave my consent that he was to pay my fine and to pay my lawyer. |

Mr. Goff.—I desire to have this letter put upon the record: "New York, December 1, 1894. Hon. William S. Andrews, Dear Sir.—You have expressed a desire, both formally to the public, and in the newspapers to have an opportunity to appear before the Senate committee. At the time of the adjournment it was impossible to comply with your request. It was determined, however, to give you such opportunity at the earliest day. Next Monday is, therefore, at your service. Of course, you will understand that this letter is to be taken in no sense as a subpoena. Please reply at once, when you will appear before the committee so that arrangements may be made regarding other witnesses. Respectfully yours, John W. Goff."

Mr. Goff.—On receipt of this letter, Mr. Andrews told me of his engagement yesterday, and I told him the committee would be glad to extend the courtesy to him to-day. Commissioner Andrews is in the room; and in response to this letter he is here.

Commissioner Andrews then came to the witness-chair.

Senator Lexow.—You understand that if you take the oath here, while not under subpoena, you subject yourself to cross-examination on the part of the counsel of this committee, and you have become a witness for all the purposes of the case. You understand that?

Commissioner Andrews.— I do; I have requested to be sworn.

William S. Andrews, having duly affirmed, testified as follows:

Chairman Lexow.— This being somewhat out of the usual course of procedure you may make your statement, and upon that statement and for any other purpose you are then open to cross-examination.

The Witness.— I only wish to have placed upon the records of the committee my sworn denial of the charge made here by a witness named Tomlinson, that he had paid me money to influence my action as a commissioner of excise. That statement is absolutely false. That is all I desire to say here. I have commenced an action in the Supreme Court under conditions that will compel the attendance of Mr. Tomlinson as a witness where he may be cross-examined, and where other witnesses may be examined to prove his motive, and to prove the falsity of his charge.

By Chairman Lexow:

Q. Do you claim he has any special motive? A. I know that he has a motive; it is set forth in the affidavits presented to the court in the action I have referred to, and I prefer to have that matter investigated before a jury under the rules of evidence and under the protection of the court.

Q. We are prepared to give you every protection you are entitled to and that any other court would give you in this matter; do you claim you did not have any negotiations with Mr. Tomlinson at all? A. I deny that Mr. Tomlinson ever spoke to me in reference to that matter, except that he may have referred to the papers in the office in the ordinary performance of his duty as chief inspector; I deny that he ever mentioned the case to me, or spoke to me in reference to granting a license for that place.

Q. Do you deny that you had any such interview with him as he testified to here under oath? A. I do; absolutely.

Q. State as briefly as you can your connection with this license? A. My connection with it was simply that of a member of the board of excise; the granting of the license was an act of the board of excise; the license could not have been granted had the commissioners not concurred; the other commissioners; it was a practice of that board of excise never to

grant a license if either one of the commissioners objected; the objection of one commissioner prevented the issuing of any license whatever; that objection was always made in writing and was a matter of record, and during the three years that I sat in the board associated with Mr. Woodman and Mr. Von Glahn there was never any exception; so, that in granting this license while it appears that Mr. Woodman did not sign—I don't know whether he signed the certificate or not; he did not prove the bond, but he didn't object to the granting of the license, and it was the act of the full board.

Q. Is it not a fact that the influence of one member of that board extends over his associates? A. That is quite possible.

Q. I mean the mere fact that he signed would not be a direct fact to show anything? A. No, sir; it wouldn't show anything.

Q. If you went to your associates and said this thing was all right you can safely grant this license, they would take your word for it? A. No, sir; I don't think so; not by any means; each commissioners examined each case for himself; it very frequently occurred that one of the commissioners refused.

Q. Did the commissioners examine individual cases separately? A. Always.

Q. And then make a report to the board? A. Yes.

Q. And upon that report the board grants or rejects the license? A. No, sir; I have never known a case in which a license was granted in which each one of the commissioners did not examine the papers and satisfy himself personally as to his action in the matter; I have never known any case in which the board acted upon the statement or upon the report of one commissioner without examination.

Q. But you said a moment ago, Mr. Commissioner, that the influence of one commissioner would exert itself over the rest, ordinarily? A. No; I did not; you misunderstood me; I said it was quite possible that the other commissioners might be influenced by what one commissioner would state; there was no such practice.

Q. Did you personally investigate into this matter? A. Yes, sir.

Q. Did any of the other commissioners? A. Yes, sir.

Q. Do you know, as matter of fact, that they gave their individual attention to the examination of the papers and the matter generally? A. Yes; it so happens that in this particular

case there was a great deal of attention given to it owing to the peculiar circumstances surrounding it; and my memory having been refreshed by the testimony given here and the allusions made to it, I have recalled very much that occurred at that time—if you desire me to state the circumstances.

Q. We would like to have the whole story; I would like to ask you, however, one question in connection with your last answer; you made the statement a moment ago that owing to the extraordinary surroundings of this case this action had been taken that you propose to speak of now, and that you remembered the case very distinctly; at the time this license was granted, then you had become aware of the fact that this was an extraordinary and unusual case? A. Yes, sir.

Q. And in what way had that fact presented itself to you? A. The board of excise at that time had closed a large number of disreputable places; when we went into office there were a number of places in the city which were resorts of persons of immoral character, and were conducted publicly; the commissioners of excise, who were in office just prior to the appointment of that board, were under charges made by the mayor, Mr. Grace, at the time, for their removal, because of their having licensed such resorts. There was the Cremorne, Tom Gould's, the French Madam's, The Alhambra, and one or two places in Fourteenth street, near Sixth avenue, all of which the board of excise closed under the law at that time; the board of excise have power to revoke licenses for any violation of the excise law; we called before us persons who were conducting improper resorts, and revoked the licenses; in that year the board of excise revoked some 900 licenses; and we made a rule that no place should be licensed which was conducted, or which we had reason to believe was conducted in an unlawful, or for immoral purposes; in 1886, the fall of 1886, the license for the Hotel Tortoni expired; some persons presented protests to the board, signed by persons living in the neighborhood, residents in the vicinity, claiming that the place was conducted or used as an assignation house; it was a public restaurant; the claim was that rooms in the upper part of the house were rented for immoral purposes; as was the practice in such cases, we issued subpoenas to the protestants and invited them to a hearing, at which their testimony could be taken; there were only two persons responded to the subpoenas and these persons refused to make any statements; they said



all they knew was from hearsay; that they had signed the paper because it was brought to them, and they were not willing to make any statement of their own knowledge; Mr. Woodman, who was the president of the board, was very indignant, I recollect, at their action and refusal to testify, and said, "Very well, then, I will sign the license; if people who are living in the vicinity of this place and who make protests to us are not willing to come here and sustain what they have written or the protest they have made under oath and give this board testimony upon which we will be justified in refusing this license, the responsibility is theirs, and I, for one, shall sign the license;" and the license was approved by all the board and issued at that time.

Q. Is this the license to this Tortoni Hotel (handing witness paper)? A. Yes, sir; that was in 1886; in 1887 the license expired, and I only recollect the time as to when it expired by hearing it referred to here—in October, if I am correct; at that time, or just prior to the expiration of that license, a protest was received from the police department, and a hearing was had upon that; two police officers came to the board and testified to having gone with a woman to this place and gone to a private room where they drank some beer; they protested that there was nothing of an improper character occurred; but the fact that the proprietor of the place, or the waiter, it was shown that no one saw these people, except the servants in the place, as I recollect, the fact that the waiter had shown two strange men within half an hour or so to a private room with the same woman was considered as sufficient evidence to sustain our refusal to grant the license, and the license was not renewed; we refused to renew it; an application was then made by a Mr. Lambert, and I only recollect hearing his name by seeing him here on the witness stand; he was the bookkeeper of the place; as soon as it was shown upon examination that he was employed on the premises, and was a servant of the person, Mrs. Chaude, who had the license previously, or associated with her in the business, the license that he had applied for was refused; then an application was made by a Mr. Louis; my recollection is that Mr. Louis came to the board of excise; he either brought a letter of introduction, or a letter from Judge White; if he brought such

a letter; I think, it must be with the papers in the office; if it was addressed to the board it would be; if it was addressed to me personally it might not be; he brought a letter or was introduced in some way or recommended simply as vouching for that fact that he was a business man, conducting a reputable business; that had no reference whatever to the question as to whether the board should grant a license to him or not; it simply went to his character; he stated that he, being a provision dealer had been in the habit of selling large quantities of provisions, meat, vegetables, and so forth, to be used in the restaurant of the Hotel Tortoni, and that they were very much indebted to him for goods furnished; that the closing of the house — the place had already been closed then for some time; for some weeks; that the closing of the house had stopped their business; had prevented their purchasing any more goods from him, and also made it impossible for him to get payment for the goods that he had already sold them; that if they were driven out of business, and the house was closed absolutely he would lose all that they owed him; he said under those circumstances he had concluded to purchase the place, and that he had paid or would pay a sum of money which, in addition to the amount they owed him, would be a consideration for the purchase, and that he would conduct the business himself; carry on the restaurant, and in that way save himself from loss, assuming that the place would pay to conduct; inquiries were made as to the man's representations; it was found that he was carrying on a business, provision store and meat-shop on Third avenue at that time; inquiries were made as to his responsibility and so forth; that is, for the purpose of ascertaining that he was not a mere dummy, or a person who would conduct any similar business to that which was alleged had been carried on there before; the board becoming satisfied of that the license was granted to him; I wish to say that it was the rule and practice of the board of excise at that time and since, I think, in all cases where a license had been refused for some cause, because the person who carried the business on had not carried it on or conducted it properly, that the board of excise would not refuse to license the same premises, or issue a license for the same premises to another person who might be a reputable person, and whom the board was satisfied would conduct the business properly, because

there came into consideration property interests; we found that if licenses were refused for places where business was carried on that the banks were affected who had loaned money on mortgages, persons who had loaned on mortgages, the banks who had notes of parties in business; the rents went to the support of persons who depended upon them solely; the tax commissioners of the city protested to the board of excise against the refusal to license premises, because it reduces the value of property, and for that reason reduces the taxable values, and affected the city in that way; real estate agents and other persons interested, and owners of property came to us and protested at the start that we ought not to refuse to allow a reputable business to be carried on on any premises, because they had been improperly conducted before; so that we made it a rule that unless we were satisfied that the character of the place was such and the nature of the business there had been such, and the persons frequenting the places were of such a character that it was not reasonable to suppose that the place could be properly conducted, we would not grant a license; as I have said before, we revoked 900 licenses or more in one year, and of the 900 revoked I presume that at least between seven and eight hundred licenses were reissued for the same premises; the licenses were revoked for such violations as affected the owners or keepers of the places, and it was that which influenced the action of the board in granting a license for these places to a person whom we were satisfied would conduct the business properly, after it had been refused to a person whom we were satisfied had not conducted it properly.

By Senator O'Connor:

Q. Your claim is that the former witness' testimony was a fabrication? A. Tomlinson's?

Q. Yes. A. So far as it refers to me, absolutely.

Q. No truth in it? A. No truth whatever; Mr. Tomlinson would not as my subordinate have dared to have spoken to me on any such subject; no clerk or subordinate who ever served under me, other than Mr. Tomlinson, would ever have dared, or ever did dare to mention to me any such matter.

Q. You said something about his motives; what were his motives for making a statement of that kind? A. I have already stated, Senator, that is fully set forth in the action I have com-

menced in the Supreme Court, and Mr. Tomlinson's attendance in court will be compelled where he can be cross-examined, and where his testimony and the testimony of other witnesses may be taken.

Q. Have you got any objection to disclosing the motive here?

A. Not if you desire it.

By Senator Bradley:

Q. We would very much desire it. A. Mr. Tomlinson came to me after I had been again appointed in the board of excise in 1892, and asked me if I would object to his going back in the board of excise; I told him that I should not make any objection; that if the other commissioners desired to appoint him they might do so, but that I should not vote for his reappointment, and that I should not approve, and that if he got back into the board of excise he would have to do so without my help or approval; he said he thought that my action was harsh; I told him that I had come to the conclusion that I did not care to place any further reliance in him, and that was my feeling; he went away and afterward came back, after Mr. Dayton was appointed postmaster, and said that he was familiar with the post-office business; he had been an employe in the post-office at one time; he knew the subordinates in the office, some of them, personally, and knew things about them which he thought Mr. Dayton ought to be informed of; he said if Mr. Dayton would employ him in a confidential capacity, he thought he could be of great use to him going into the office as he was, with a knowledge of the people whom he would have to deal with; and he asked me if I would speak to Mr. Dayton about it and recommend Mr. Dayton to appoint him; I told him that I would not do so, and not only that, but that I should take occasion to say to Mr. Dayton that in my judgment he ought not to employ Mr. Tomlinson, or put any confidence in him; and I did say so to Mr. Dayton; Mr. Tomlinson left my room with some anger, gave me to understand that I would be sorry for what I had done, and I heard afterward, frequently by reports coming to me, that he was saying slanderous things about me in bar-rooms and public places; I paid no attention to it, thinking it unworthy of attention; and I heard nothing further from him until he testified here upon the stand.

Q. Did you ever see Mr. Tomlinson there in your office? A. I think I saw him there several times; yes, sir; Mr. Tomlinson was the chief inspector of the board, and was in the board for nearly three years, and Mrs. Tomlinson, I think, came in there quite frequently; I recollect seeing her there; I was introduced to her by Mr. Tomlinson at the board.

Q. Did you ever have any conversation with Mrs. Tomlinson in regard to the license of the Hotel Tortoni? A. No, sir; under no circumstances, or any other license.

Q. Do you remember the inspector that made the report, reporting favorably on this license, the granting of this license? A. No; I do not; the papers will show who the inspector was; I would like to say as to that that inspectors of excise have no authority; they have no power; their reports are intended simply to come to the commissioners; such information is owing to the quantity of business that the commissioners of excise have to transact in this city, it is impossible for the commissioners to obtain personally; they are sent out to make certain examinations and to report certain facts, and never at any time when I was in the board of excise has any license been granted upon the recommendation of an inspector; their reports as to the facts which they observed were simply taken as information for the guidance of the commissioners.

Q. Does it not have considerable weight with the decision of the commissioners, the report of the inspectors, or what was the object of the inspectors if the commissioners are not more or less guided by their reports? A. I have just stated that the statements of fact made by the inspectors are accepted by the board of excise as facts which influenced their action or judgment, but only as facts which the inspector reports, not as any recommendation on the part of the inspector.

Q. The following year the license was granted again to Mr. Louis by you; was there any action, any extraordinary action taken the following year? A. That was 1889 — 1888; no; the board of excise did at that time act upon very nearly 11,000, about 11,000 applications for licenses in a year; of course, a great many of those were applications for new parties, for transfers from one person to another; and that number does not indicate the number of licenses granted; the number of licenses actually issued; that is, the number of places actually licensed was about 9,000 and something; that included storekeepers, grocers, druggists and so forth; the quantity of business is, of

course, very great, and it is the custom of the board to grant renewals of licenses in a routine way where there is no protest, or no objection; the license for this place having been granted to Louis in 1887, he applied one year afterward for a renewal of that license, and there being no objection — if there was any I don't recollect of it — the license was granted to him as a matter, of course, that is the renewal of the license; it is merely a renewal; a license is practically continuous for any place when once granted, except that the law requires that once a year it shall be renewed and a new fee paid; you understand that the board of excise could revoke a license for any place at any time; if, for instance, the license granted to Louis for the Hotel Tortoni, if after that license had been granted within a day or a week, or at any time, any persons in that neighborhood, or the police, or anyone else had come to the board of excise and made a complaint, or had said to us, "Mr. Louis is not the real owner of this place; you have been deceived and imposed upon, the place is now being conducted by the same person who conducted it before." In that case the license would have been immediately revoked; but no such protest was ever made, and no such information ever came to me; I mention that fact, and lay some stress on it, for this reason, because it influences the action of the board of excise very much in their granting licenses where there might be some doubt or question; the fact that if a mistake was made, the board had it in their power to rectify it at once and to revoke the license which had been issued under a misapprehension, or which it was discovered afterward had been improperly issued, or should not be allowed to continue, could be revoked.

By Senator O' Connor: }

Q. Is there any further explanation you desire to make? A. None, except that I am perfectly willing to answer questions; if Mr. Goff desires to question me in any matters, I am here under the conditions under which I am sworn.

Senator O'Connor.— The witness is subject to your probe, Mr. Goff.

Mr. Goff.— Is Mr. Louis in court?

(Mr. Louis stands up in obedience to the call.

Mr. Goff then requests the witness to stand aside to allow Mr. Louis to testify. }

August L. Louis, called as a witness on behalf of the State, being duly sworn, testified as follows: }

## Examination by Mr. Goff:

Q. Did you notice the gentleman who has just left the witness stand? A. No, sir.

Q. You saw Mr. Andrews, this gentleman (indicating)? A. I see him now; yes, sir.

Q. Did you ever see him before? A. No, sir.

Q. You heard him testify upon the witness stand here, did you? A. Yes, sir.

Q. Did you hear him state that you stated before the board of excise that you intended to run the Tortoni as a thoroughly respectable place—did you hear him state that? A. Yes, sir.

Q. Did you make that statement before the board of excise commissioners? A. No, sir.

Q. You did not? A. No, sir; nothing.

Q. You heard Mr. Andrews state that you stated to the commissioners of excise, that Madame Chaude owed you a lot of money for meat, and that the only way you could get it out of her was to take this license in your name; is that so? A. No, sir.

Q. You did not make such a statement? A. No, sir.

Q. Did you talk to any of the commissioners of the board of excise? A. No, sir.

Q. And looking upon Commissioner Andrews now, this is the first time you have ever seen him? A. I guess it is.

Q. And all that Commissioner Andrews has stated here on the witness-stand that you told the excise commissioners is untrue, so far as you know? A. I never said anything.

Q. Did you take a letter of recommendation from anyone directed to the commissioners of excise? A. No, sir.

Q. Did you bring Judge Andrew J. White with you? A. No, sir.

Q. Did you know Judge Andrew J. White? A. I don't think I do.

Q. Was it not a fact that all the persons you saw at the board of excise was the clerk who gave you the papers to sign? A. Yes, sir.

Q. That is all the persons you saw was a clerk? A. Yes, sir.

Q. And you went down there once? A. Once every year.

Q. The first year I am speaking of now? A. Yes, sir; only once.

William S. Andrews, recalled, testified as follows:

By Mr. Goff:

Q. After hearing Mr. Louis' statement under oath, commissioner, do you wish to make any qualification or correction of your long and elaborate statement touching what Mr. Louis said before the commissioners of excise? A. No, sir; I did not say that this man appeared; a man who represented himself as Mr. Louis; some one came to the board of excise and made the statement I have given to you; I don't recollect this man at all; he may have come there and he may not; I do recollect very clearly that the reasons were given, as I have stated them; and I am confident that if you will call Commissioner Von Glahn — I am certain that, although I have not spoken to him on the matter, he will state the same thing, and I shall take an occasion to send a commission to Denver, Colorado, where Woodman is and get his testimony to the same facts; that these statements I have given were made to the entire board.

Q. Speaking of Commissioner Woodman, I will make a suggestion to you now, commissioner, that in all good faith you include in that open commission that you will send to Commissioner Woodman questions that you have stated here, that he answer, or, at least, the statements that you have put into his mouth; that after a protest had been presented by residents of the neighborhood against the Hotel Tortoni, and when the protestants failed to testify that Mr. Woodman became indignant and said that he would grant the license? A. Yes.

Q. Will you please bear in mind and put that in and ask him if he made that statement? A. Yes, sir; if you will give me a transcript of the testimony I will send that to Commissioner Woodman.

Q. Your own testimony? A. I will send that to Commissioner Woodman and ask him whether or not he corroborates it, or if you will prepare questions for Woodman to answer I will send them to him and ask him to swear to them before a commissioner in Denver.

Q. I would like to set that on record; Commissioner Woodman's standing; that he is held in a certain kind of respect and repute here in New York, and it is rather a revelation to have that on record that he agreed and stated that would license a disorderly-house? A. I have not made any such statement; I made the statement that the persons who charged that this was a disorderly-house refused to testify, and that Commissioner



Woodman's action was based upon the fact that there was no evidence before the board of excise that it was a disorderly-house, and that these persons had refused to furnish any testimony.

Q. So now you say that you will not say that the man who has gone on the stand, August Louis, went before the board, but that someone representing him did? A. I don't recollect him, personally; it is a long time ago.

Q. That makes the matter worse. A. I don't recollect him, personally, at all.

Q. Then some counterfeit Louis must have come before the board? A. That may be; I know that someone came and made the statement to all the commissioners.

Q. You are a member of the best board of excise that New York ever had; it is a remarkable admission that the best board of excise could have been imposed upon by a counterfeit Louis, a spurious individual—is that the fact? A. If a person appeared before the board of excise and said that he was the applicant for the license and his name was Louis, the board of excise, of course, would accept his statement.

Q. Where were all your inspectors and your special inspectors; where were all the attaches of your department that you were not able to identify, or to have a person go before the board, identified as the man who signed the application? A. They would not be called to identify an applicant unless there was some question or doubt as to his being the man; I desire to say now that I believe that this man Louis who testified, if he is the person to whom the license was issued, my belief is that he did come before the board of excise, and that he is now stating falsely as he has done in other cases, as he admits.

Q. What other cases has he admitted? A. I understand, I only know that from reading in the papers, that he testified here yesterday that he had gone to the board of excise year after year and made over that he was the proprietor of the Hotel Tortoni and had obtained a renewal of the license for that place upon false papers.

Q. That makes it worse again; did Judge Andrew J. White identify the man that appeared before you as Louis? A. I have no recollection of that, except that when Mr. Tomlinson testified here, I heard you read a memorandum on the papers made by myself to that effect; if that memorandum is on the papers then

it is true Mr. White did either write a letter or say to me something in favor of this man, as I have stated before, that was a question simply as to whether the man was a business man carrying on a reputable business.

Q. It appears from your testimony that it was quite possible for a person to commit a fraud in representing another to go before that board and make an application in person before the commissioners — that is quite possible — was it not? A. Certainly, it is possible anywhere, I imagine.

Q. And it has also been, so far as your understanding of this man's testimony goes, possible for annual perjuries and frauds to be committed before the excise commissioners of this city? A. I think it is not only possible, but my belief is that a great deal of perjury is committed in applications for licenses, and a great many false papers are made; I have detected some in the course of my experience as a commissioner of excise, and I believe that others have been made that have not been detected.

Q. Did you ever attempt to bring anyone to justice to answer for the crime of perjury committed before the board of excise while you were a commissioner? A. Well, there was, I think, one or two cases.

Q. Can you remember the titles of the cases? A. They were informed that they would be proceeded against; I don't think any proceedings were ever taken.

Q. My question was, did you ever, when you discovered these false papers, as you say, and of perjuries having been committed before the board, did you ever take any steps to have the perpetrators called to answer for the crime? A. No steps were ever taken for indictment; no.

Q. A great many things that you said to the Senators touching the verification of licenses, and so forth, which I can not remember; it is a very long and careful statement, but there is one matter that occurs here to my recollection; now you say that you revoked some 900 licenses; when I say you, I mean the board in that sense? A. Yes; I know, within one year, and it was a year within which, as I recollect, that is within which a part of the year 1887 occurred; the exact details will be found in the reports of the board of excise, and I think in the report of the board of excise, made on January 1, 1888, it will show what was done for the year 1887; that is my recollection.

Q. These revocations were all of beer and wine licenses, according to that report of the commissioners that you refer me to? A. I think not.

Q. I beg to differ with you; is it not a fact that every one of the revocations that you have referred to here was made because those that had already a beer license sold liquors? A. No, sir; the greater majority of them were, but they were not all, by any means.

Q. And it was a question of simply raising the revenue in order to compel them to take out a liquor license, was it not? A. No; not altogether that.

Q. You stated that they got new licenses? A. It was a determination on the part of the board of excise to compel persons who took ale and beer licenses to sell only ale and beer, and not to sell liquor.

Q. Licenses were granted to them invariably to sell liquor when they made an application after the revocation? A. Not to the persons whose licenses were revoked, but for the same premises.

Q. Now, about this case here, this Tortoni case; have you any recollection of ever hearing or having heard about that house before you granted the license? A. You mean in 1887?

Q. Yes. A. I have stated to you, and you have already commented upon it, that in 1886, a protest was made to the board of excise and an investigation was ordered, and the protestants were notified to appear and the witnesses named in the protest subpoenaed to appear; only two persons appeared in response to that summons.

Q. Is that all you heard about this case? A. Yes.

Q. What you have just stated about this protest? A. That is all I recollect.

Q. That was in 1887? A. That was in 1886.

Q. And the license was granted? A. I say it was in 1886 only because I know that it was at the time that the license was granted which I learned here now expired in December, 1887, so it must have been a year before.

Q. After it having been brought to your attention in 1886 that residents did enter a protest, but failed to give evidence that would warrant the revocation of the license, did you make any application to the police authorities to ascertain whether there was any ground for the protest? A. No; that is, I don't

recollect that we did; we may have done so; there was a request sent to the board of police, that the board of excise should be notified and informed of every place in the city which within the knowledge of the place was improper to be licensed, and an order was sent out by the police commissioners; my recollection is that that was issued in 1886 to every captain, the officer in command of every precinct in the city, directing that that order should be complied with; and the board of excise frequently received from the police reports of matters occurring in licensed places which might affect the question as to whether it was proper for these places to be licensed, or whether the license should be revoked; whether any such report was received in relation to this place in 1886 I don't recollect, the records of the office should show that; but such a protest was received from the police in 1887, and my recollection of it is simply from hearing you refer to it here on a former occasion when this matter was being testified about; you said that you read testimony and protest; and that refreshed my memory; I recollect the officers coming to the office and giving testimony.

Q. The question of the protest I find in the letter here, which no doubt you have heard before; written by an assistant district attorney of this city, at that time, Mr. Bedford, to the commissioners of the board of excise, as follows:

"Gentlemen.—This will introduce to you my esteemed and old friend, Mr. Morris Phillips, editor of the Home Journal, who will appear before you on October 17th, at 2 o'clock, p. m., to make a complaint. It is quite unnecessary for me to say that whatever statement he may make you can rely upon it entirely. Knowing that you will extend to him a just and proper hearing.

"I am, very respectfully, {

"GUNNING S. BEDFORD."

A. What is the date of that?

Q. October 17 1887?. A. And upon that and the other matters brought before the board a renewal license for that place was refused.

Q. Now, I find a petition here to the board of excise received on October 1, 1887, in which the petitioners most earnestly protest against the granting of any license to the notorious place

known as the Maison Tortoni, or Hotel Tortoni, situate on the northeast corner of Lexington avenue and Thirtieth street in this city, and owned by the French madam known as Madam Chaude; the ground of our protest is that the business there conducted while ostensibly a hotel and restaurant, is in fact principally for the purpose of assignation and acts of the grossest immorality and licentiousness, and these acts are practiced nightly in this house, which is provided with separate wine-rooms, each of which is supplied with a bed, and where wines and liquors are served to the men and women frequenting the place; this place has been allowed to flourish in our midst in defiance of law and morality, and it should in no way receive the countenance of your honorable board in so far as the granting of the hotel or liquor license is concerned; and this is signed by Mr. Phillips, Mr. Woodruff of 135 East Thirtieth street; by Mr. J. H. Duncan, of 137 East Thirtieth street; by Charles R. Kuhler of 142 East Thirtieth street; by B. Lows, 138 East Thirtieth street; and another Mr. Phillips, W. Phillips, and by Martin Burke, Lexington avenue, and Alexander Develin, of 104 Lexington avenue; the petition is not dated, but it was received at the board of excise on October 1, 1887; now, this petition was received before Mr. Bedford's letter; Mr. Bedford's letter is October 17th, that is after? A. Well, it was in October, 1887, that the board of excise refused Madam Chaude the renewal of her license, and it was upon those papers that the denial was based, this and other protests received.

Q. The board acted upon this very serious protest, supported by reputable citizens, and refused to renew the license to Madam Chaude? A. Yes, sir.

Q. Now, at that time, commissioner, Madam Chaude's application for a renewal of her license was before the board? A. It must have been or it could not have been rejected.

Q. Now, as matter of fact, Madam Chaude's application for a renewal of the license was not before the board? A. I don't know, you have the papers there, I can not tell you, if you show me the papers I can tell you.

Q. You have been very positive in your statements touching this transaction, and I want to see how far your positiveness will lead you? A. If the application was rejected it must have been before the board.

Q. Don't let us deal in suppositions, we are dealing in facts; we have it on the record here, commissioner, that by reason

of the protest from your own lips, and by reason of certain protests of citizens in New York whose standing in unquestioned, by reason of that protest against a license being issued for that place, to the Hotel Tortoni, describing its interior arrangements, calculated and arranged for the purpose of assignation that on that protest a renewal of the license was refused to Madam Chaude? A. Yes.

Q. Now, it appears from the records of your own board that such was not the case, and that at that time when that protest was received against the place for its disorderly character, Madam Chaude was not an applicant for a renewal of the license, but another person was, Joseph Lambertz? A. It may be; Madam Chaude was the person who had the license for the place at the time.

Q. We are dealing now, just keep at that point, that the commissioners refused to grant the license to that place no matter who applied for it? A. That was the fact at that time.

Q. It was not that they refused to grant a license to Madam Chaude by reason of her bad reputation, but it was because they refused to grant a license to another person by reason of the bad reputation of the house, is that not the fact? A. They refused to grant the license to Lambertz.

Q. And it was Lambertz's application that was before the board that this protest came in and not Madam Chaude's application.

Q. Well that may be, the dates will show; then Joseph Lambertz, 106 Lexington avenue, with two bondsmen, makes application, "Whereas said Joseph Lambertz has made application to the board of commissioners of excise of the city of New York for a license for the Hotel Tortoni as a hotel-keeper to sell spirituous liquors, ale and beer, to be drunk on the premises, etc.," and known as 161 Lexington avenue, signed by Joseph Lambertz and his bondsmen, and acknowledged before Kneeland — a notary public in the board? A. He was chief application clerk.

Q. On the 16th of September, 1887, and mark you this petition was not received by the board until October 1, 1887, and Mr. Bedford's letter is dated October 17, 1887. A. When did the license expire; when did Mrs. Chaude's license expire?

Q. The old license expired on October 21, 1887; that is, the license that Madam Chaude had. A. Yes; you said Lambertz's application was about a month before that.

Q. Lambertz's application was acknowledged by the board before the notary, Mr. Kneeland, on the 16th of September, 1887; so that now, commissioner, you see that you have been greatly mistaken, because it was not Madam Chaude's application that was before the board for a license, but it was Joseph Lambertz's application that was before the board for a license at the time? A. Yes; I told you I had no recollection of the papers except as I have heard them here.

Q. The point is, I wish to deal fairly with you; after you denied a license for that place in the name of Joseph Lambertz, how could you, a few months later, give a license to the place in the name of August Louis — answer that? A. I will explain that, certainly; I have already explained it; I will go over it.

Q. Answer it now. A. Because Lambertz was associated with Mrs. Chaude, he was an employe of hers, bookkeeper; he was in the house there with her, assisting her in conducting the business which was protested against and objected to; so that granting a license to him was manifestly improper; and that was refused.

Q. How did you know that? A. Well, I know that we did know it; I don't remember; on the investigation or examination we made probably there was some report from the inspectors to that effect.

Q. You have learned that since Lambertz has testified here only. A. Oh, no.

Q. How did you know it then? A. By the investigation and examination we made.

Q. Where is the record of it? A. I don't know whether there is any; if there is it is at the board of excise.

Q. The chief clerk has given us all the papers upon this question from the board of excise, and there is no record of it in the board of excise? A. Well, the fact was known to the board, nevertheless.

Q. How was it known to the board? A. May be Lambertz was brought there and questioned; it may be that Lambertz was brought there and questioned, but of that I have no recollection.

Q. Then, you do not know anything about it? A. I do know that the license to Mr. Lambertz was refused.

Q. Now, you know it because I have read from the records, but you did not know it before, you did not mention it before

you said a license to Madam Chaude was refused? A. Refer to the stenographer's minutes; you will find I did mention it and went over it very carefully in my first statement.

Q. Now, I find a letter from the police department received from the board of excise on September 24, 1887, that is eight days after Lambertz's application to the board of excise: "Gentlemen.—I am directed by the board of police to answer to your favor of the 22d inst., relative to the arrest of Louise Chaude of the Hotel Tortoni, 161 Lexington avenue, for keeping a disorderly-house, and for another case later at the saloon of Pat Maguire, 329 East Forty-seventh street, to inclose herewith copies of report in relation thereof." So that it appears from this letter that the board of excise had knowledge from the police as to the reputation of this house, the Tortoni, after Lambertz had made his application on September 16th; that appears so by the record? A. If it appears by the record it is a fact.

Q. Here is a letter from the clerk of the board of police commissioners; now, on September 21st, five days after Lambertz made his application, there is a special report by an inspector directed to the board of excise referring to Joseph Lambertz's license, 161 Lexington avenue. "To the board of excise. Having made a special inspection in this case, I hereby report that on September 20, 1887, I reported an application for a license made by Joseph Lambertz of 161 Lexington avenue; since making said report I find that a person by the name of Louise Chaude was arrested and held for trial on the charge of keeping a disorderly-house;" commissioner, that is the special report of your inspector in relation to Mr. Lambertz's application; the regular report of your inspector was that the name of the saloon or building known as the Maison Tortoni, that it is a restaurant and cafe with 24 sleeping-rooms on the premises; he says, "I have carefully examined said premises and building and find there is not indication that the same are used or are to be used for gambling or for immoral purposes and that no part of said building is a resort for immoral purposes; the balance of the building is used for sleeping-rooms; the former licensee was not arrested for violation of the excise law; the former licensee was not convicted of a violation of the excise law; no protest has been made against this place; an application was not rejected for this place. Upon diligent inquiry, I find the moral character and general reputation of the applicant to be



good; the applicant is not now licensed at this place; new party applicant was formerly licensed for no place; license has not been surrendered; information from personal investigation; date taken from license; no bar on premises. Sworn to as a report true to the best of his knowledge and belief;" now, in the face of that report, from your own inspector, you, yet refused Lambertz a license? A. Yes, sir; it seems so.

Q. Now, in the face of that very elaborate report, why did you refuse Lambertz a license for the Tortoni? A. My recollection is that we refused Lambertz, because we ascertained that he was on the premises and an employe of Mrs. Chaude, against whom there was a protest.

Q. But she was not an applicant; there was not a protest against her. A. You have just read some there.

Q. I have not; I have read a protest against the Tortoni; how can you explain that now, commissioner? A. Explain what?

Q. Or can you explain it? A. What is it you wish me to explain?

Q. How is it that in the face of your inspector's commendatory report that you refused a license to Lambertz for this place? A. I have said so that my recollection is this; because we ascertained that Lambertz was an employe of the person who already had a license for the place.

Q. But there is no record of that ascertainment? A. That I don't know anything about, the record; I am stating my recollection.

Q. Mr. Bishop has delivered under a subpoena duces tecum all the papers touching this license; now, commissioner, come here and look yourself? A. I don't care to see them; I am stating my recollection.

Q. Is it an independent recollection? A. Entirely, so.

Q. Can you tell us the circumstances of it, if it be an independent recollection? A. I can say that this matter —

Q. No; not what you can say; now, can you tell us the circumstances, if it be an independent recollection? A. I was about to state the circumstances which constitute that recollection, or form it, upon which it is based.

Q. Well, go on. A. There having been protest made against this place, a protest made the year before, 1886, under the conditions I have stated.

Q. You are going back now into ancient history; let me put a specific question to you; who was it that told you that Lambertz was connected with Madam Chaude; now let us see? A. That I don't remember.

Q. Will you swear that any person went before the excise commissioners and said that Lambertz was an employe or associated with Madam Chaude? A. My recollection is that Lambertz came himself to the board of excise and that fact was ascertained in conversation with him in the presence of all the commissioners; that is my recollection.

Q. You swear to that? A. I swear that is my recollection; yes sir.

Q. I know you are a good deal of a metaphysician, I want the difference between a recollection and a fact; will you swear to it as a fact that Lambertz admitted before the board of excise commissioners that he was associated in business with Madam Chaude? A. I swear my recollection is —

Q. I don't ask you that; I ask you will you swear it is a fact? A. I will swear to nothing but my recollection.

Q. You know recollections are very flexible things, they come and go at will sometimes; I want the fact, not your recollection; will you swear to it as a fact that Lambertz admitted before the board of excise commissioners that he was associated with Madam Chaude in business? A. I will not swear to it as a matter of fact; I will swear that my recollection is he came before the board.

Q. I do not ask you that; can you cite any circumstance or a fact connected with that application of Lambertz by which you learned that Lambertz was associated with Madam Chaude, and that that was the reason that the license was refused? A. I can only swear to my recollection.

Q. You can not state any fact at all outside of your recollection, can you? A. No, sir.

Q. And your recollection has been quickened since Mr. Tomlinson went on the stand, has it not? A. Well, I had no recollection of the matter at all until my attention was called to it.

Q. Your recollection dates from Tomlinson going on the stand here before the recess? A. What do you mean by that?

Q. Your recollection commences; your recollection goes back to that? A. My recollection goes back to Mr. Lambertz's appearance before the board of excise; I recollect distinctly that

he did appear there; that is my recollection, and it is very distinctly in my mind that he appeared before all of the commissioners.

Q. You swore that Louis appeared there, and Louis went on the stand and swore that he did not; may you not make the same mistake again about Lambertz? A. I swore and swear again that in my belief the man here, Louis, came before the board of excise; that is my recollection.

Q. I am not asking you to swear to your belief, that is another flexible thing; I am asking you as to the fact; you swore that Louis went before the board; Louis comes forward and swears he did not; now, may you not make a mistake about Lambertz? A. No, sir; I make no mistake.

Q. Are you clear about Lambertz? A. I am clear in what I said simply from my recollection, that Lambertz came before the board of excise.

Q. You are getting into your recollection again? A. I can only testify from my recollection; I can not testify from anything else; I can only testify from memory.

Q. Now, is it not the fact, commissioner, that at the time that this protest was received, that the board of excise commissioners communicated with the board of police as shown by their letter here, and that on the face of this protest and on the record, that license was refused to the Tortoni, because it had been kept as a disorderly-house—now is that not the fact? A. I presume that is the fact; but it was also—

Q. Never mind the prepositions at all; the application of Joseph Lambertz appears to have been rejected on October 26, 1887, that is the date; will you look at it please; written across the face of it there (handing witness paper)? A. Yes, sir; that is the date of the rejection.

Q. The application of Louis to the board for a license for the Maison Tortoni, 161 Lexington avenue, is dated November 15, 1887; that is 21 days after the rejection of the license to Lambertz—the application of Lambertz 21 days intervenes from the rejection of Lambertz's application to the application of Louis; 21 days, and he makes that application; swears to it; and on December 24, 1887, the license is issued to him; that is the date; to the same place; now, commissioner, can you explain to this committee, since you have voluntarily come here to explain; can you explain to this committee how it is that the board of excise commissioners

rejected the license for a place on account of its disorderly character, on October 26, 1887, and, on December 22, 1887, it granted a license for the same place, with no evidence before that a change had taken place, except in the name of the applicant—will you explain that? A. Yes, sir; it was the practice of the board of excise to grant licenses for places where licenses had been refused and rejected to certain applicants; to grant licenses for these places to other applicants when they were satisfied they were respectable persons, and that they would conduct the business properly; and the board of excise was satisfied upon the application of Louis; he was a business man; carrying on a business; and, as a produce dealer, had been supplying this house; and upon his statement which he gave to the board, as explaining his reason for wanting this license, that he had been selling them provisions and they owed him money, and that the only way in which he could save himself from serious loss was by taking the premises and carrying the business on himself as a restaurant and boarding-house.

Q. Carrying on the business himself? A. Yes.

By Chairman Lexow:

Q. Do you mean to say that Louis made that statement to you?

Mr. Goff.—That is what the commissioner has testified to.

Q. Did you read Mr. Louis' statement of yesterday? A. I heard Mr. Louis here state,—I wish it to be understood I don't say that this particular man who appeared here on the stand appeared at the board; I know that some person representing himself to be an applicant for the license of that place, and representing himself to be Louis came to the board of excise and made that statement; and I believe this is the man.

By Mr. Goff:

Q. Let us see what your explanation is; you said that on the explanation of this man, Louis, that he had supplied this disorderly-house; this place of assignation, and of notorious character with meat or provisions; that this notorious place had owed him money, and that the only way he could get his money was to carry on the business? A. Yes.

Q. And on that statement of a man who had been dealing with this notorious house, who admitted that this notorious house was in debt to him; that the only way he could get his

debt paid was to carry on the business; and you issued him a license? A. That is the fact.

Q. That is the fact? A. Yes, sir; that was the act of the board of excise, based on their discretion.

Q. And yet you said before that you rejected Lambertz's license because you discovered that Lambertz was associated with Madam Chaude? A. In carrying on the business there; yes.

Q. And here was a man who was associating with her in the relation of a tradesman, supplying her house with provisions, and who stated to you that the only chance that he had to get his debt was to carry on the business of this disorderly-house? A. I don't think it ever occurred to the board of excise he could be held responsible for his customers.

Q. I am not asking you what occurred to the board of excise; I am asking for the facts, so far as we can get at them; is that not the fact that those are the causes for which you gave that license that you have recited? A. The facts that I have recited; certainly.

Q. So, that the board of excise commissioners is a sort of philanthropic institution; that it will give a creditor a license in order to give him a chance to collect his debt from a disorderly-house—is that not the fact? A. It seems to be the fact if you have got it so; yes.

Q. I am simply asking you if it not the fact? A. That is not the fact as I regard it.

Q. But is it not the fact here on your own statement, Mr. Andrews—is not that the fact? A. Is not what the fact?

Q. Is it not the fact that the board of excise commissioners lent its own aid to this creditor to enable him to collect his debts by running this disorderly-house—is not that the fact by your own statement? A. No, sir.

Q. But you have stated it? A. I have not stated that.

The stenographer, at the request of Mr. Goff, then referred back to the testimony and read the following answer: "It was the practice of the board of excise to grant licenses for places where licenses had been refused and rejected to certain applicants, to grant licenses to these places to other applicants when they were satisfied they were respectable persons, and that they would conduct the business properly, and the board of excise was satisfied upon the application of Louis; he was a business man, carrying on a business, and, as a produce dealer,

had been supplying this house, and upon his statement, which he gave to the board, as explaining his reason for wanting this license, that he had been selling them provisions and they owed him money, and the only way in which he could save himself from serious loss, was by taking the premises, and carrying the business on himself.

Q. That was one of the elements that moved the board to grant the license to Louis? A. No; it was not.

Q. Why did you state it? A. I stated that he satisfied the board that he was a bona fide applicant and was a respectable man and who intended to carry on the business with propriety, and that he was a proper person therefore to be licensed.

Q. But it entered as an element. A. As an element in the action, certainly.

Q. That this disorderly-house owing him money which he had been supplying with meat and provisions, and that the only chance he could get his money paid was by running the business of this house—is that not the fact? A. That was his reason for applying for the license.

Q. And his reason moved you to favor him? A. His reason satisfied us that he was a proper person to be licensed; it went to the question of his motive in applying for a license.

Q. To the question of his motive? A. Yes; as satisfying the board whether he was a proper person to be licensed.

Q. Do the excise commissioners examine into the motives of the applicants? A. When they have any doubt as to the character of the person or of the place.

Q. You had a doubt as to the character of the place here as conducted by the former person? A. We were satisfied it would not be proper to be licensed to any person connected with the management at that time.

Q. Was this Lambertz with her in business? A. In the management of the place.

Q. Why was it necessary for this respectable man of business to explain his motive in making an application for a license for this disorderly-house? A. To know whether he was a person who appeared to be engaged in any business which would lead them to suppose that he would conduct an improper place.

Q. But he had been supplying this improper place by the products of his business. A. So it seems; yes.

Q. There is no record of these statements at all, Mr. Commissioner, that you have made; there is no record here in the papers

that Mr. Louis made such statements to the board? A. I am satisfied that someone did who represented himself as Mr. Louis.

Q. So that it may be that you, Commissioner Andrews, careful, conscientious, clean-cut man, is liable and has been liable to be imposed upon by fraud for years? A. I am afraid I have been in some cases; yes, sir.

Q. And that has been your experience through your official life, that you are liable to be imposed upon in that way? A. I think it is the experience of everyone.

Q. By the way, speaking of experience in the city of New York as commissioner of excise, will you swear here that you did not know as a matter of common notoriety that the most disreputable house of assignation in the city of New York for years was the Tortoni? A. I will swear positively I had no personal knowledge whatever.

Q. You, a gentleman knowing every avenue and street in New York, it was a stranger to you? A. An assignation house in any avenue or street I am a stranger to.

Q. I did not finish my question; there is not a street or avenue in New York a stranger to you, and you, a gentleman about town, sometimes you have been called a man of fashion, do you mean to say you, as a commissioner of excise, when you started in to reform that department did not hear through the public press that the Tortoni was the most disreputable and notorious assignation house in New York? A. I never had, and had no knowledge of the place except what is shown in the papers on record; I have seen the sign on the building passing it.

Q. You, as a man in touch with affairs, do you remember the somewhat famous suit in the Supreme Court for the appointment of a receiver for the Tortoni, when Madam Chaude and her husband quarreled? A. No, sir; I do not.

Q. Did not hear of that, either? A. I have heard of it; yes.

Q. Did you hear of it then, at that time? A. No, sir; it had not occurred at that time; it has occurred since.

Q. Since when; since Madam Chaude and her husband quarreled? A. It occurred since.

Q. If it occurred since you must have given it a proper place in your memory? A. I have been told that there was such a suit since Mr. Tomlinson spoke about it; some one spoke with me about it.

Q. I am asking you as to the reputation of the Tortoni at that time; not what you have gathered since from Tomlinson? A. I have told you I have no knowledge whatever.

Q. We will take it now, Commissioner Andrews, that you, a resident for a number of years in the city of New York, and a man of affairs, well known to all our citizens, holding a public position of trust, commissioner in the board of excise, that up to the time you granted this license, you never heard of the Tortoni being a notorious house of assignation? A. I never did; no, sir; I may be deficient in knowledge on these matters; but I certainly never did; let me ask you if you ever knew about it?

Q. Pardon me, we are not on equal terms; you know that it is not proper as a witness to try and evade answering a question by asking counsel questions; but if you wish me to answer your questions I will get on a level with you and answer them? A. Very well, sir; I may have that opportunity.

Q. Now, do you mean to say that the board of excise commissioners adopted a rule that where an application for a license was made for a house known to be disorderly, that the board of excise commissioners, without any formal inquiry or investigation gave the license to the new applicant? A. No, sir; I do not.

Q. That is what I understand you to say was the practice? A. You misunderstood me.

Q. You said it was the practice? A. I did not.

Q. You said it was the practice in such cases? A. You are referring now to the statement I made.

Q. I am referring to the answer a while ago, where you answered by saying, "This is the practice?" A. I didn't say that that was the practice.

Q. What did you say was the practice in such cases? A. I said the practice was not to refuse a license for a place which had been improperly conducted if a license for that place was applied for by a person whom the board of excise were satisfied would conduct it properly.

Q. I think that is correct; I think that is the statement you made; but is it not a fact that there was a rule in the board of excise that where an application had been refused for a license of a place known to have been disorderly, that a new license would not be granted to such a place except after serving subpoenas upon the protestants and getting special reports from your inspectors or special inspectors — was that not the rule? A. Where there were protests, undoubtedly.



Q. Outside of the protests; where there was a protest on record? A. Subpoenas could not be sent to the protestants if there were no protests.

Q. There was a protest here with the names of well-known gentlemen upon it; will you swear that the protestants received any notice of the issuing of a license to August L. Louis for the Tortoni? A. I can not swear.

Q. Was it not the rule of the department that where such a protest as this was on the record against issuing a license following within 21 days after a previous rejection; was it not the rule that both parties, the applicant and the protestants, should be subpoenaed before the board, and that the applicant should be identified as the person applying — was not that the rule? A. There was a general rule in all cases of protest, that the protestants should be heard; there is no question as to that.

Q. I ask you as to this rule; I repeat it again, that where an application was made for a license to a place that had been refused before on account of its disorderly character, are not the protestants notified, and was it not necessary that the applicant should be identified in person? A. That was the rule.

Q. Can you swear that Louis was identified before the board by any person? A. I don't say that it was the rule that the applicant should be identified.

Q. Don't get away from my question when you find yourself cornered; will you swear that Louis was identified before the board? A. I wish to say —

Q. I object? A. You have put on the record the answer that I didn't make.

Q. Answer my question.

Chairman Lexow.—You can explain afterward.

Q. Will you swear that Louis was identified before the board? A. No; now, I wish to explain.

Chairman Lexow.—You can explain afterward.

Q. Was there any hearing on the application of Louis for a license for this place which the board knew officially to be a disorderly-house? A. I don't recollect, sir, that there was any hearing, and I don't recollect that there was not.

Q. Will you swear that there was a hearing? A. What do you mean by a hearing — public hearing to which persons were summoned to appear?

Q. I presume so? A. I will not swear that there was; no.

Q. Here are the papers, and here are the records in the case; we have looked over them for such notice of hearing, and we can find them; if you can find any, you are at liberty to come down here? A. I don't care to.

Q. The record shows there was no such hearing; that was the rule, that there should be a hearing; why was the rule departed from in the case of Louis? A. I don't know that it was departed from.

Q. But it was the rule, you say, and why was there not a hearing in the case of Louis? A. There was a hearing in the case of the protest against this place.

Q. I am speaking of Louis? A. I don't know whether there was any or not.

Q. Here is the record that there was no hearing; if there had been a hearing or any steps taken by the board of excise commissioners to satisfy themselves that this application was made in good faith for a license for a disorderly-house, or that the board determined was a disorderly-house, why should not the rule be followed in his case as in others? A. I don't know that it was not.

Q. Here is the record, and it says it was not.

Chairman Lexow.—If you dispute the fact you can look at the record.

The Witness.—I don't dispute the fact.

Q. Here it is (handing witness paper). A. I don't dispute the fact; I don't know whether there was a hearing or not; I do know that the board of excise satisfied themselves that it was proper to grant this license.

Adjourned until half-past 2 p. m.

#### AFTERNOON SESSION.

New York, December 4, 1894.

Present.—Senators Clarence Lexow, Jacob A. Cantor, Cuthbert W. Pound, George W. Robertson and Daniel Bradley.

Chairman Lexow.—Are you ready to go, Mr. Goff?

Mr. Goff.—I wish, Mr. Chairman, that you would excuse all other witnesses except Mr. Andrews, and those witnesses from the excise board, and such witnesses as are connected with Mr. Andrews' case until to-morrow morning.

Chairman Lexow.—All witnesses subpoenaed to attend here to-day, excepting those connected with the case of Street Commissioner Andrews, are excused until to-morrow morning.

half-past 10 o'clock. All those who have connection with this matter now under investigation will remain here.

Mr. Goff.—Mr. Louis, you remain here; Mr. Lambertz, you remain here.

W. S. Andrews resumes the stand and testified as follows:

By. Goff:

Q. That is your signature, Mr. Andrews (showing witness paper)? A. Yes, sir.

Mr. Goff.—Mark that paper on which Mr. Andrews identifies his signature.

Paper marked Exhibit 1, December 4, 1894, L. W. H.

Q. Do you remember if there was a hearing before the full board of commissioners on the application of Lambertz for a license for the Tortoni? A. No, sir; I do not; my recollection is, however, that there was.

Q. Now, if you do not remember, I do not want your recollection. A. I do not remember definitely.

Q. Very well, that answers the question; but it was a rule of the board that a hearing should be had in such cases; you have stated so before recess? A. You asked me that, if it was a rule; I should say it was a custom of the board rather than a rule.

Q. Well, the force of custom grows to be a rule? A. There was no exception to that rule that I know of, or that custom; I don't recollect any.

Q. It appears from the records of the board that there was a hearing on the application of Lambertz; and that the result of the hearing was concurred in by all three commissioners, the opinion of which I hold in my hand, and the signature to which you have identified. A. Yes, sir.

Q. As in your handwriting as one of the commissioners — Mr. Woodman, and Mr. Andrews, and Mr. Von Glahn — on October 26, 1887, the date of the rejection of the license; the concluding paragraph of the opinion rendered by the three commissioners of the board is as follows: "No attempt is made to deny or disprove the testimony of the officers." That is, the officers that you referred to before, commissioner, who took women there; that is recited here in this opinion. Yes.

Q. Superintendent Murray sent officers there, and I do not wish to read the whole opinion; that is the fact? A. I have stated what the officers testified in that connection.

Q. "No attempt is made to deny or disprove the testimony of the officers. That testimony unassailed, taken in connection with the fact and the only fact shown by the protestants that there is a prejudice against this building and a belief that the house is used for improper purposes among the persons residing in the vicinity makes it improper that a license should be granted for the place, notwithstanding the favorable testimony given on behalf of the applicant." That is Lambertz. "But if there were any doubt as to the duty of the board the additional fact that the proprietress is held in bonds for trial upon a charge of keeping a disorderly-house is conclusive; a license can not be granted; Charles H. Woodman, William H. Andrews and John Von Glahn;" now, it appears from this, Mr. Andrews, that the commissioners recognized the fact that there was a belief that the house was used for improper purposes; that is, the belief among persons residing in that vicinity, and that that rendered it improper that a license should be granted for the place, notwithstanding the favorable testimony given on behalf of the applicant, Mr. Lambertz; why was it that 21 days after this opinion was rendered denying a license for that place on the application of a man in whose behalf favorable testimony had been given that the board of commissioners granted a license for the same place to a man in whose favor no testimony had been given, and on whose application no hearing had been had? A. I do not say that no hearing had been had upon his application.

Q. I have asked you half a dozen times to step down here to the record; here is your clerk of the board who has produced all the record, and here is your opinion in the case of Lambertz; will you swear there was ever a hearing in the case of Louis? A. Will, most decidedly.

Q. There was? A. Certainly.

Q. Where is the record? A. I don't know about the record; it was the fact.

Q. Will you swear there was a proceeding before the board? A. Absolutely; I have sworn so several times.

Mr. Goff.—Step aside, Mr. Andrews. Mr. Bishop, take the stand. Look at these papers before you go, that you have produced here from the excise board; look at everything.

James F. Bishop, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. Are you chief clerk of the excise board? A. Yes, sir.

Q. In obedience to a subpoena duces tecum to produce all records, papers and documents in relation to the license granted to the hotel known as the Torton, have you produced such papers, records and documents? A. Such as the precinct book and application.

Q. You have produced all that you could, as clerk, find in your possession? A. All that the subpoena asked for.

Q. Now, you have examined these papers here; have you got your subpoena with you? A. I think the one that was before the committee had taken a vacation —

Q. You have a subpoena? A. Those papers did not come down on that subpoena, Mr. Goff; that is under another matter altogether, before the committee adjourned; that was in October, I believe.

Q. This has reference to another excise matter? A. Yes, sir.

Q. And the other books came down? A. Yes, sir.

Q. However, you produced all that was called for; you have looked at the papers here? A. Yes, sir.

Q. From your examination of the papers, is there any record of any hearing, determination or decision by the board of excise commissioners in the year 1887, on the application for a license to the Hotel Torton, other than the memorandum which I hand to you now, other than that memorandum on the back of the application papers? A. I don't know of any others, sir.

Q. And that memorandum is in Mr. Andrews' handwriting? A. To the best of my belief.

Mr. Goff.—That is all, Mr. Bishop. Mr. Stenographer, take the chair.

James F. Prudden, called as a witness, on behalf of the State, being duly affirmed, testified as follows:

By Mr. Goff:

Q. You are the stenographer to the board of excise commissioners? A. Yes, sir.

Q. And for how many years? A. Since April 1, 1892.

Q. Were you stenographer before that? A. No, sir.

Q. Who was stenographer before that? A. Mr. Quinn, now deceased.

Q. Did you, as stenographer, have any knowledge of any records of testimony taken by Mr. Quinn as a stenographer of the board? A. None, whatever.

Q. Are there any in existence? A. I could not say.

Q. Did you ever see any? A. I have seen transcripts of testimony in print.

Q. What; in type — typewritten copies? A. Yes, sir.

Q. Is there any book at the excise headquarters where the testimony taken before the commissioners is recorded — transcribed and recorded? A. No, sir; none that I have seen.

Q. So far as your practice is concerned, Mr. Prudden, you take notes simply of proceedings before the board of commissioners? A. Yes, sir; of all hearings.

Q. All hearings; do you transcribe your notes? A. Not unless ordered to do so.

Q. So, that as matter of fact unless specially ordered to do so there is no record of the proceedings before the excise commissioners of the city of New York? A. No, sir; except as they are in shorthand notes.

Q. Those are the exceptions; but, as a rule, a record is not made of the proceedings had before the excise commissioners? A. Not of the testimony.

Q. And the only way of getting at the testimony or the decisions of the commissioners not reduced to writing is by referring to your stenographic notes? A. I would like to make this explanation; I refer only to the testimony that is not written out; but all decisions of the board are certainly written out, and all resolutions.

Q. But, so far as the testimony is concerned, that rests in your notes? A. Yes, sir.

Q. What is your salary? A. Two thousand five hundred dollars.

Q. And when you are requested to transcribe your notes, are you paid extra for that? A. Yes, sir.

Q. By the board? A. No, sir.

Q. By whom? A. By the parties.

Q. By the applicant? A. Yes, sir.

Q. As a general thing? A. Yes, sir.

Q. By the applicants when they seek to compel the board by mandamus, or something of that kind? A. Then, that is usually furnished at the expense of the board.

Q. At the expense of the board; well, but they make return to the writ? A. Oh, I see; I do that under my salary; that comes under my salary.

Q. What I mean to say is that you do not make a record of any other testimony except such as is required by a proceeding in court—a writ of certiorari directed to the board.

The Witness.—Read the question over again.

Question read by the stenographer.

A. Not except that it is ordered.

Q. And we have it now, Mr. Prudden, that you—a stenographer, paid \$2,500 a year—you do not make a record of the testimony taken except in such cases where the writ of court requires a return? A. I would not confine it to that.

Q. What other cases do you mean? A. There are cases where the commissioners desire to look over the testimony in a certain case, and they would order me to write it out, and I write it out.

Q. What I want to get at Mr. Prudden, is that it is your rule not to transcribe your notes unless so requested in certain cases, or directed by a writ of court? A. That is right.

Q. And where you make, of course, a transcript for the applicant you charge him? A. Yes, sir.

Mr Goff.—Mr. Chairman and Senators, the Senate committee will bear that fact in mind, and I do not wish to except.

Mr. Prudden.—As an illustration of the fact that exists in New York city, not only in the excise department, but in other departments.

Chairman Lexow.—And in all the courts.

Mr. Goff.—I quite agree with you.

Chairman Lexow.—And in the Legislature, too.

Mr. Goff.—Nevertheless that does not detract from the evil. I do not mean to single you out, Mr. Prudden. I say it exists all over.

Chairman Lexow.—It seems to be a general custom.

Mr. Goff.—That stenographers are paid \$2,500 a year, that there is no record of the testimony taken by them or a transcript made by them of the testimony except in special cases, and the exception that the witness testifies to. That will do, Mr. Prudden. That is an extra charge for private persons.

William S. Andrews resumes the stand and testifies as follows:

By Mr. Goff:

Q. Now, it appears, Mr. Andrews, from the testimony of the clerk of the board that the only record of an opinion rendered by the commissioners, or a commissioner, on Louis' application is this memorandum, signed by you, upon his application; is your memory refreshed by the testimony of the secretary anything? A. No, sir; I recollect that the persons appeared before the board, and I recollect that a person who represented himself as the applicant for the license appeared.

Q. What person other than Louis appeared before the board? A. That I can not recollect, sir.

Q. Will you swear that any person other than Louis, or the person representing himself as Louis, appeared before the board? A. On his final application; no; I will not.

Q. Was he heard in support of his application by the full board, do you remember? A. I know that all the commissioners examined carefully into the matter, and it was discussed among us, and we went over the case very carefully; I recollect that, and that the final determination was the act of the board; and that it was granted without the protest or objection of either commissioner.

Q. That is a legal conclusion, Mr. Andrews; if there was no testimony taken how could the commissioners go all over the case? A. My recollection is that the testimony was taken, but I am not able to swear to that positively.

Q. What? A. My recollection is that the testimony was taken, but I am not able to swear positively.

Q. But you say without protest; but here on the head of the papers appeared "Protest" and "O. K." in blue pencil; what does that mean? A. That means when a paper comes into the office it passes through the hands of several clerks, and among others it passes through the hands of the protest clerk, and he notes whether any protests has ever been made against the granting of any license for the place applied for.

Q. On your own record it was brought officially to your attention that there was a protest against this place? A. Yes, sir.

Q. And this protest means against August M. Louis? A. No; it was not.

Q. How do you know it was not; show me anything on the paper that shows it does not mean Louis? A. I have told you that that mark means there was a record of protest entered on the books.



Q. Is there anything there to show it is not against the man as well as against the place? A. That was a matter for the commissioners to inquire into when the cases comes before them.

Q. Did the commissioners inquire into it? A. Yes, sir.

Q. What recollection have you as to that? A. I have already told you that I recollect distinctly that this applicant on this license, or the person representing himself to be the applicant, came before the board and was examined before the commissioners, and made the statement I have given, to you.

Q. You said this license was examined without protest? A. I did not say that.

(By Mr. Goff's direction the stenographer read the witness' answer as already given, as follows: "A. I know that all the commissioners examined carefully into the matter, and it was discussed among us, and we went over the case very carefully; I recollect that, and that the final determination was the act of the board; and it was granted without the protest or objection of either commissioner.")

A. "Without the protest or objection of either commissioner" is what I said.

Q. Do you mean to say it was granted without a protest having been made or entered against that place? A. No, sir; I told you already that there was a protest, and you have it there before you.

Q. And in the place of protest, there is no record of papers or books of any hearing or testimony, or any opinion being written on the protest? A. That is quite possible, but the hearing was had all the same; and, let me say, Mr. Goff, if you allow me —

Q. Who appeared at the hearing? A. I know the person making the application appeared; I do not recollect any other person.

Q. You won't swear to anybody else? A. No.

Q. Are you able to identify Louis that appeared on the stand? A. No; I can not recollect him.

Q. How many commissioners were there? A. Three.

Q. Were they present at the hearing? A. I presume so; I am not sure of that; that is my recollection.

Q. Will you tell us why, but a few days, comparatively — 21 days before that — the commissioners went to the trouble of writing a long elaborate opinion, rejecting the application of Lambertz, and when Louis applied, and only one person ap-

peared, as you say, came here, there was no opinion rendered by the commissioners; why the difference in the two applications for the one place? A. That I can not answer any more than to say, there was the indorsement on the paper.

Q. Why is it, Mr. Andrews, that in 21 days after the three commissioners signed this, where they say, the belief is the house is used for improper purposes, and that belief makes it improper for a license to be granted for the place, notwithstanding the favorable testimony given on behalf of the applicant; why is it, 21 days later, this license was granted? A. That was a matter that lay in the discretion of the excise board.

Q. I am asking why? A. Because the board of excise concluded to grant it.

Q. Can you explain the action of the board of excise, that one time they refuse a license to a man whose respectability is vouched for because the place is bad, and three weeks after they gave it to another man? A. It is wholly a matter of discretion with the board of excise.

Q. And in the exercise of your discretion, you considered that a great conversion had taken place within three weeks in the Tortoni, that it had been changed so that it was no longer a disreputable place? A. We never had any evidence before us that the place was disreputable, except the testimony of the two officers.

Q. But "the belief of the persons in the neighborhood," you say? A. And we were satisfied by that, as that record shows, that the house had been improperly conducted; we concluded upon an application of Mr. Louis that he would conduct the place properly, and granted him a license upon that conclusion.

Q. But here is a fact, that on the day when this opinion was rendered upon Lambertz's application, October 26, 1887, that the board of excise commissioners, in the exercise of their discretion, wisely exercised, concluded that, though Lambertz was a good man, the place he sought to have licensed was a bad place, and, therefore, that no license should be granted; will you explain what difference there was in the exercise of the discretion vested in you by law that three weeks thereafter you concluded that Louis was a good man and that the place was a good place—in three weeks? A. We concluded and believed that Louis would conduct the place properly.

Q. And it was in perspective? A. Certainly.

Q. Your opinion in the Lambertz application was on the existing condition of affairs, was it not? A. Yes, sir.

Q. Your opinion, when you took action then on the Louis application was in perspective, hoping that he would conduct it properly? A. Certainly.

Q. So you exercised your discretion on the existing facts in one case, and you exercised your discretion upon what you hoped to be in the future in another case? A. We exercised our discretion in both cases.

Q. You know that while the discretion was vested in you that you were not permitted to abuse that discretion; you know that as matter of law? A. We are responsible to the court for any abuse.

Q. You are not responsible alone to the courts but you are responsible to the law, and— A. To the law.

Q. And to the people? A. Exactly.

Q. Now, since the three commissioners saw fit to write an elaborate opinion on the refusal to Lambertz of the license for the Tortoni, how is it that but one commissioner wrote a memorandum upon Louis' application? A. Well, I don't know why the other commissioners did not write a memorandum; but I know it was my custom to write a memorandum upon all cases about which there had been any question, so that I might recollect what the circumstances were if called upon at some future time; it was simply as a matter of record in the office; I think you will find such memorandums on the records of the board of excise.

Q. Well, I have got some notorious cases here; we will see first; now, here is the application of that well-known case of Berthold Katt, for a license for the Purssell, a well-known confectioner's place, known as Purssell's, 916 Broadway; that application was rejected when you were commissioner, and your initial is here to the application; that will show you a memorandum written by you when the application was rejected; you say in all cases? A. I did not, sir; I said in those cases where I thought it was necessary as being special cases.

Q. That was a special case, and was taken into the courts? A. I do not recollect—"Rejected on the evidence," it says here.

Q. Yes; for the Purssell ice-cream place on Broadway, and that was rejected on evidence; there is no evidence here; look

in it to see if you see evidence that there was anyone ever charged — any person, citizen or policeman, or anything else, charging that as being a house of ill-fame? A. It was rejected for some cause, or it would not be rejected.

Q. Do you say it was rejected because there was an objection that it was a disorderly house? A. Certainly not.

Q. The objection was that it would be an injury to business in the neighborhood; here is the objection: "To the Honorable Board of Excise. Gentlemen.— Being informed that an application has been or is to be made to your honorable body to grant a license to No. 916 Broadway, we, the undersigned, respectfully and urgently request that such application be denied, and we consider it detrimental to our business." Signed by several gentlemen up there, "Detrimental to the business;" now, then, here is a protest against a license being granted in Broadway, as being detrimental to other men's business, merchants, etc., there? A. Yes sir.

Q. And you have written no opinion in that case, or memorandum while you seem to have gone out of your way to write a memorandum in a case where a protest was made because it was a house of assignation; what is the difference? A. I can not tell you what the difference is; I simply made a memorandum on the papers in the one case, and on the other I did not.

Q. I know that? A. There must, however, be testimony in relation to that case.

Q. Not "must" do not argue; we will see? A. I recollect now, something about that matter, if you wish to know about it.

Q. Now, I will take the case of George Harmon, 184 Ninth avenue, in which there was a great time before the board; do you notice any memorandum of Mr. Commissioner Andrews upon those papers? A. No.

Q. No; now, I take the case of Mr. George Hillen; it was a celebrated case, and reported in our law books; where he applied for a license for Fourteenth street and University place; a very respectable place; that was rejected at first; do you find any memorandum from Mr. Commissioner Andrews on that case? A. This license was issued by a mandamus.

Q. You are compelled after long litigation to issue a license for this respectable place to this man? A. Yes, sir.

Q. Have you written any memorandum why you rejected it? A. No, sir; I would say —

Q. No; wait — A. You ask me a question; I made copious memorandums on that case but not on the papers; they covered pages of typewritten matter.

Q. Here is a case of the notorious Sixth Avenue hotel; Griffin, Forty-fourth street and Sixth avenue, and the license was granted in this case; will you find any memorandum from Commissioner Andrews on those papers saying why the license should not be granted; being the notorious dead-house known as the Sixth Avenue hotel; just look at that please; you remember that case; don't you? A. I was not a member of the board of excise at that time.

Q. Are you sure? A. In 1890; quite sure.

Q. Are you sure you were not a member of the board of excise when evidence was brought before the board for revocation of that license on the ground that it was a bedhouse? A. I am sure I was not a member of the board when that paper was brought before the board.

Q. Weren't you a member of the board of excise when Clark Bell and other residents in the neighborhood applied for the revocation of that license on the ground that it was a notorious house? A. No, sir.

Q. Did Mr. Clark Bell ever appear before you? A. He did.

Q. In that case? A. Yes, sir.

Q. For a revocation of that license? A. No; he appeared to protest against the granting of a license.

Q. It was a renewal of the original license? A. I was not a member of the board of excise.

Q. When the license was renewed wasn't it a renewal of the license that he appeared before you? A. That was two years before these papers.

Q. That was a renewal of the case? A. I was not a member of the board of excise.

Q. Wasn't you a member of the board of excise when the license was granted to the Hotel Royal; that hotel that was burned down; wasn't you a commissioner of excise that granted a license to that place? A. I suppose so; I think so; a license was granted every year for that place.

Q. You refuse a license to Mr. Millen here, and to the Purssell place in Broadway, because it injured the business, and you granted a license to the bedhouse known as the Hotel Royal? A. I never knew the Hotel Royal as you describe it.

Q. I ask you the fact? A. A license was granted to that house; no objection was produced — was made against it.

Q. You remember the papers, in that Hotel Royal place, when the fire took place, and the remains of those people were found there—I suppose that was a revelation to you, as it was to the majority of the citizens of New York? A. It was to me.

Q. And you always heard of the Hotel Royal up to that time as being a fairly reputable, honest family hotel? A. I certainly did; I know reputable people who lived there.

Q. In fact, Mr. Andrews, you had the same impression regarding the reputation of the Hotel Royal as you had regarding the reputation of the Tortoni? A. I knew nothing about the Tortoni; I did of the Hotel Royal; I knew some reputable people who lived there.

Q. You knew something in favor of the Hotel Royal, and you knew nothing against the Hotel Tortoni? A. Yes; I believe so.

Q. Of course, you also had the same impression touching the reputation of the St. Omer Hotel, on Sixth avenue, when you granted the license for that place; that was also an honest clean family hotel; wasn't it? A. I don't know anything about that house.

Q. Did you ever hear of it before? A. Yes.

Q. You remember you granted a license to them? A. I remember there was some doubt, or claim, or some rumors about the house, but no protest or objection was made; I think we were to the police about that; I am not sure, however; I recollect something about it; there was some question.

Q. You knew nothing then, in your innocence as a resident of New York, about the St Omer Hotel in Sixth avenue? A. No, sir; I had no personal knowledge, whatever.

Q. No; not at all; now, I read from the report of your special inspector regarding the Hotel Tortoni on Louis' application; he says, "Having made a special inspection in this case as directed, I hereby report that I called on Mr. C. L. Louis at his place of business, 265 Third avenue this morning, and was informed that he is the proprietor of the hotel above-mentioned, having purchased it from the former proprietor, and that he proposes continuing the business;" Mr. Louis has sworn here that he never purchased that hotel, that he never paid Madam Chaude anything for it; that he knew nothing about a purchase, and never conducted the business; how can you reconcile that state of facts with the report of your special inspector? A. A regularly drawn and executed bill of sale was filed with the board of excise as evidence of the purchase and sale.

Q. But you were satisfied with that? A. Yes, sir.

Q. In your innocence, Commissioner Andrews, I suppose you took it for granted that because a paper was signed and appeared to have been executed that that was conclusive upon you? A. With the statements made by the applicants, certainly; there being no evidence to the contrary.

Q. Listen here; this inspector says that he was informed that he is the proprietor; do you notice there the statement does not say by whom he was informed; a careful board of commissioners looking over the reports— A. Do you wish me to read it?

Q. I do; in the first paragraph of that report, and say on whose information that report was made? A. It must have been on Mr. Louis'; he says, "I called on Mr. Louis."

Q. Don't argue it; say from the report there who informed the inspector? A. Mr. Louis; he says, "I called on Mr. Louis and was informed."

Q. Informed by whom? A. I assume it was by Mr. Louis.

Q. Does it appear on the face of the report that you, a commissioner of excise, receiving a report of that kind from a special inspector, should pass upon such loose language, "I was informed;" informed by whom? A. By Mr. Louis.

Q. Does it say there? A. That is what I understood it then to mean.

Q. You do not rely upon the written reports of your inspectors; you rely on your understanding of the reports? A. I think so.

Q. You think that is proper, Mr. Andrews? A. Yes, sir; I think it is very good English.

Q. Might it not be a bootblack on the sidewalk that informed him? A. I think not.

Q. You are a lawyer? A. I am admitted to the bar.

Q. You understand the principles of law to a great extent? A. To some extent.

Q. Do you think that that would be allowed as a pleading in a court of law? A. Well, it was sufficient for the purposes for which it was made at the time.

Q. Sufficient for the purpose; that is, the purpose was to grant Louis a license at all events? A. And the purpose was to obtain information through the inspector as to whether Louis was the proprietor, and whether he conducted business in the place he said he did.

Q. You say, in the memorandum, "The applicant in this case is a respectable merchant, carrying on a large meat busi-

ness at 265 Third avenue; he wishes to conduct this place as a boardinghouse and restaurant. He is personally vouched for by Judge Andrew J. White. There is no reason why this place should not be licensed to a respectable person for a respectable business, the former licensee having no connection with the place as appears by the affidavit attached." When you say, "He is personally vouched for by Judge Andrew J. White," I suppose Judge Andrew J. White accompanied this man before the excise commissioners, in the hearing you had, as you say? A. That is my recollection.

Q. Here is a writing that you made at that time? A. Yes, undoubtedly. |

Q. And, of course, Mr. Andrews, the impressions on your mind which you conveyed to paper at that time, were fresh? A. Yes, sir. |

Q. And resulting from facts? A. Yes.

Q. And when you said, "personally vouched for" that would mean not vouched for by letter by a third person? A. That is why I say I think Judge White called at the board of excise and spoke in behalf of Mr. Louis.

Q. Don't you know you would not have written that "Personally vouched for" unless you had the pleasure of seeing Judge White, with the applicant? A. That is my recollection. |

Q. That is your recollection; state whether what you wrote at that time was true? A. What I wrote was true.

Q. "Personally vouched for" meant Judge Andrew J. White presented this man in person and vouched for him? A. He might have written a letter. |

Q. You are too careful in written language, and you are too clever a man in the use of words to make use of that language unless he personally vouched for him? A. He may have personally vouched for him by a written letter.

Q. If he wrote a letter, wouldn't that be with the papers; would it not? A. I don't know whether it would or not.

Q. There is a letter from Gunning Bedford in regard to this place, introducing Mr. Louis; there are reports, but there is no letter from Judge White here? A. I can not help that.

Q. Will you show me any place where Judge White's signature is on the papers? A. It is not on the papers.

Q. Will you show me any place on the papers where Judge White has vouched for that man? A. I can not.



Mr. Goff.— Will you please step into that chair, Mr. Andrews? Judge White! ]

Andrew J. White, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. You occupy the position of a dock commissioner in this city now? A. I do.

Q. And you were at one time a police justice of this city, at one time, for many years? A. I was.

Q. I call your attention to a man there (indicating Mr. Louis) that was on the stand here, and says he is August L. Louis, an applicant for a license of the Hotel Tortoni; did you ever see this Mr. Louis before? A. I don't believe I ever saw him before in my life.

Q. Do you know him? A. I do not.

Q. Before this case was mentioned to you, did you ever hear of such a man as August L. Louis? A. Not to my knowledge.

Q. Mr. Louis has sworn, Judge White, that he never saw you before? A. I don't think I ever saw him before.

Q. You swear that you never saw him to the best of your knowledge and belief? A. I never did.

Q. Do you think you could have gone to the excise department with this man to vouch for him personally to obtain a license for the Hotel Tortoni without remembering it? A. I am sure I never did.

William S. Andrews, resumed the stand:

By Mr. Goff:

Q. Now, Mr. Commissioner Andrews, in the face of Mr. Louis' statement under oath, and in the face of Judge White's statement under oath that neither of them knew each other; that they did not accompany each other to the excise board, or in any way present themselves, what have you to say to this memorandum that Judge White "personally vouched for this man?" A. I must say I must have received from Judge White, either by note or by word, some reference to this man, or the indorsement would not be there.

Q. You are trying to argue yourself out of a very unpleasant position, commissioner, at the expense of Judge White; is that not the fact? A. No, sir; it is not.

Q. Don't you think, in such an important case as this, where you had already rejected the application for a license for a notorious house of assignation, that you would have kept and put on record any written indorsement that anyone would have given? A. Possibly I did.

Q. Why didn't you, if you have such a written record? A. Possibly I did.

Q. Will you swear you did? A. No; I will swear that I got a recommendation of some sort from Judge White that justified that indorsement, or it would not have been there.

Q. Do you mean to say that Judge White lied on the witness-stand? A. No, sir.

Q. Then either he or you must lie? A. I don't think that is a correct conclusion.

Q. There is no escape from it, commissioner; either Judge White or you lied? A. That is not a correct conclusion, sir.

Q. You swore he personally vouched for Louis; there is only one conclusion to be drawn from that language; that is, that he said he personally vouched for Mr. Louis; isn't that the fact, that you put that down there as being personally vouched for; that is, in person; isn't that what that memorandum represents? A. That is what the language would seem to imply.

Q. And yet Judge White swears he never went to the board of excise commissioners about it? A. He says not to his knowledge he did not.

Andrew J. White resumes the stand:

By Mr. Goff:

Q. Judge White, did you ever hear—in 1887 did you ever hear of the Hotel Tortoni, Thirtieth street and Lexington avenue? A. I did not.

Q. Did you ever have an application or request made to you by any person to help in obtaining a license for that hotel for any person? A. I do not remember that I ever did.

Q. Have you now any knowledge or recollection of having had anything whatever to do with attempting to obtain a license for the Hotel Tortoni in any person's name? A. I did not.

Q. Did you ever to your knowledge speak to Mr. Commissioner Andrews and vouch for any man to obtain a license for that place? A. Not to my knowledge.

Q. If you had done so, now, judge, since it has been brought to your recollection, if you had so applied, with such an inten-

tion for such a place as the Hotel Tortoni, wouldn't you remember it? A. I am positive I never applied for a license for that place.

Q. Or to indorse anyone for it? A. Or anyone at all.

William S. Andrews resumes the stand:

By Mr. Goff:

Q. Is it not the fact that in order to cover up a corrupt transaction you used the name of this man as indorsing the applicant for this license? A. No, sir.

Q. Isn't it a fact that because you received this \$500 that all of these irregular transactions took place in regard to granting this license? A. No, sir.

Q. What other motive ascribe your action to, except you were bribed to do it? A. There was no irregular transaction.

Q. The whole record shows there was a false statement over your signature. A. I deny the statement is false.

Q. Judge White says it is false, Louis says it is false; you can not deny it. A. Will you allow me to cross-examine Judge White and put questions that you have not?

Q. Yes, sir; I will at the proper time; what motive could you have had in writing down a falsehood except the one, and that was a corrupt motive; what other motive could you have had? A. I did not have any corrupt motive, sir.

Q. There is the fact that the witness swears he gave you the money into your hand; the record shows that a license for that place had been rejected; the record shows, over you own signature, that that was a notorious house of assignation; and the record shows three weeks thereafter you granted a license; and the records show you put down here a lie that this application was personally vouched for by Judge Andrew J. White; what other motive but a corrupt motive could have actuated your action? A. I deny that was a lie.

Q. You have to rest on your naked word? A. Yes, sir.

Q. And the record and those other witnesses are against you? A. I don't think so, sir.

Q. You may not think so, but there is the record; with regard to this man Tomlinson here; you have tried to shift the responsibility and the blame upon his shoulders upon the ground that he is animated by a feeling of animosity to you, isn't that so? A. I have, in an action that I have commenced against Mr. Tomlinson.

Q Never mind about an action you commenced; it is easy to commence an action. A. I have not tried to shift anything.

Q. Has Tomlinson been served in this action you talk about? A. I don't know.

Q. Then it has not been commenced, unless he has been served? A. (No answer.)

Q. You have stated to the Senators here to-day that the only reason you can attribute his action to is one of spleen and animosity, because you refused to appoint him or recommend him for appointment, isn't that so? A. Yes, sir.

Q. You were here present when his wife testified that she received the \$500 from this woman here; were you not? A. Yes, sir.

Q. And you heard him testify he gave it into your hands? A. Yes, sir.

Q. And immediately thereafter this license was granted; the record says that; does it not? A. No, sir.

Q. There are the dates. A. He never gave me any money, so it could not have been granted immediately thereafter.

Q. But it was granted; whether he gave you money or not? A. It was granted on the dates stated on the papers.

Q. The only question is, Mr. Andrews, that the granting of the license is a significant incident to the acceptance by you of the \$500 bribe? A. That is false.

Q. You simply rely on your naked word? A. Yes, sir; I do.

Q. You have not a tittle of circumstance to show to the contrary, and all the record is against you? A. That is your conclusion.

Q. That is the record? A. I deny that.

Q. You say this man is animated by an animosity against you; you and he had been friends for years? A. Yes; we were for some years.

Q. Very intimate friends? A. I don't know as to that; I don't think we were very intimate friends; I knew him for many years.

Q. You esteemed the man; did you? A. Well, not very highly; I knew him very well.

Q. Didn't you know he was a man of probity; a man of integrity? A. No; I can not say that I knew that especially.

Q. Did you ever intrust him with any confidential business matters? A. I had some business relations with him.

Q. And always your relations with him were pleasant? A. Yes, sir.

Q. And what do you now attribute his spleen or animosity to? A. Up to about 1889, they were —

Q. To 1889, they were pleasant; they were more than pleasant; were they not; you remember, in 1885, addressing the Hon. Joseph S. Miller, commissioner of internal revenue, a letter? A. No; I do not recollect it.

Q. Well, I will refresh your recollection, "Dear Sir;" and you wrote this letter from Washington on June 27, 1885:

"Dear Sir.—I write for the purpose of calling your attention to the case of Mr. Edgar M. Tomlinson, who is an applicant for appointment as revenue agent. Mr. Tomlinson has rendered very valuable service to the government in a similar position heretofore. He was the local special agent for the district of Vicksburg, Miss., was thence transferred to Mobile, and placed in charge of the Ninth special agency, a district embracing the State of Alabama, parts of Mississippi and Florida, remaining in that service until 1866, when that office was abolished. While at Mobile he rendered a special service to the government in the recovery of property which had been surrendered by the confederacy and was being stolen. The amounts so saved by his efforts was more than a half-million of dollars. For this service he was specially commended by the honorable secretary of the treasury, and an extra allowance was made him in money for extra valuable services rendered in the matter. The records of the division of captured and abandoned property in the treasury department contained all the facts in this connection. Mr. Tomlinson was next a special agent of the internal revenue bureau, and, in that capacity, he gathered the evidence and hunted up the facts which led to the indictment of George Montjoy and a number of other prominent manufacturers and dealers in Philadelphia, who were convicted of fraud. While performing this duty, Mr. Tomlinson was assaulted and severely injured. The result of efforts was the final breaking up of the operations of the combination to rob the government, known to be the most powerful and dangerous in any country. Soon after this the tax upon whisky having been reduced the services of the special agent was dispensed with, and Mr. Tomlinson left the service. I have known Mr. Tomlinson personally for 18 years. He is a man of unquestioned integrity, bright, intelligent and determined, and worthy of any confidence that may be reposed upon him. Although holding an office under the government

during a Republican administration, he has always been a Democrat, and has rendered valuable services to his party. In the last campaign he suggested and urged upon the national committee a plan, which was adopted, of calling upon the people for \$1 subscriptions for campaign purposes, and from this source a very considerable sum of money was realized. If the services of such a gentleman are required in your bureau I feel certain no better man than Mr. Tomlinson can be selected. If you wish to make further inquiries in the matter I will say I have talked with Assistant Secretary Fairchild, and should have mentioned the matter to the honorable Secretary of the Treasury had I been able to see him. Colonel Lamont, the President's private secretary, also knows Mr. Tomlinson and the services he has rendered, as does Senator O'Gorman.

"Very respectfully,

"WILLIAM S. ANDREWS."

Q. Now, Mr. Andrews, after hearing this letter, dated June 27, 1885 — A. Will you allow me to see that letter, sir.

Q. Wait awhile, and listen to my question; after hearing this letter of June 27, 1885, you appointed Mr. Tomlinson inspector of the board of excise? A. Appointed by the board.

Q. Through your influence; on your recommendation? A. Yes, sir; I think I may say that.

Q. And you yet held him in high regard, which you have outlined in this letter to the collector internal revenue, did you not? A. I believed him to be a trustworthy persons.

Q. You held him, as you say in that letter — don't confine it to that phrase — "I have known Mr. Tomlinson personally for 18 years; he is a man of unqualified integrity, bright, intelligent, determined and worthy of any confidence that may be reposed in him;" that was true? A. If I wrote that I must be responsible for it, although I think the language is rather extravagant.

Q. Was it true, sir? A. I think it was, if I wrote it.

Q. And at the time you recommended this gentleman to appointment as chief inspector of the excise board, he held the same place in your high regard as when you wrote this letter? A. I did not recommend him for appointment as chief inspector; I recommended him for inspector.

Q. He held the same place in your high regard? A. He had the same relation as before.

Q. Now, in 1887, two years after this letter was written, this transaction touching the Tortoni took place; you remember it? A. There was no such transaction ever took place as he refers to.

Q. Your denial is on the record; he who protests too much, you know—you know what the situation I have reference to is? A. I will answer your question, sir.

Q. If you wait until I complete them you can answer them; had there anything taken place from the time you wrote this letter until the transaction testified to here in 1887, relating to the Tortoni license—had there anything taken place which changed the high regard which you felt and expressed for Mr. Tomlinson? A. No.

Q. How long after 1887 did Mr. Tomlinson maintain his official relations to the board? A. I can not give you the date, sir; some time in 1889, I think; it may have been in 1890; in 1889, I think.

Q. Had anything occurred up to the time of his severing his relations with the excise board to alter the high regard in which you had held him for many years? A. Yes.

Q. What? A. Between his severing his connection with the board.

Q. Up to the time of his severing his connection? A. No, sir; I don't think so.

Q. And that was in 1890? A. I don't remember when that was; 1889 or 1890.

Q. When was it? (Addressing Mr. Tomlinson.)

Mr. Tomlinson.—Eighteen hundred and eighty-nine.

Q. (To Mr Andrews.) October 3d, that is the record, 1889; were you excise commissioner then? A. No, sir.

Q. So that after you went out of the board, Mr Tomlinson retained his position in the board? A. Yes, sir.

Q. And you had nothing at all to do with the removing of Mr. Tomlinson? A. Nothing.

Q. And, if Mr. Tomlinson had been guilty of any improper acts while you were a commissioner of excise, Mr. Andrews, you would have exposed him? A. I would, sir.

Q. And if guilty in a sufficient or adequate manner, you would have removed him from his position, would you not? A. Or permitted him to resign.

Q. Or permitted him to resign, one way or the other; very well; if he was guilty, you would permit him to resign; do you

mean that? A. I said if he had committed some improper act; it would have depended on circumstances.

Q. So that up to the time you left the board he had not committed any improper acts, or he had not done anything to alter the high regard in which you had held him for 18 years? A. Nothing to my knowledge.

Q. So that when he was removed by your successors on October 3, 1889, you had nothing to do with it? A. No.

Q. No; nothing to do with it at all; now, as matter of fact, was not his removal the result of political changes in the board? A. I can not swear to that, sir.

Q. Don't you know that the political complexion of the board changed after you left? A. Yes.

Q. And he was classified or classed as a County Democrat, wasn't he? A. No, sir; not at that time.

Q. When you were in the board, what party was he classed with or charged to? A. Up to the time of election in 1888 he was classed as a County Democrat; immediately after the election, he told me he was a Tammany Hall man, and belonged to the Narragansett Club, and assisted Mayor Grant to be elected, and expected to be retained in the board on that account.

Q. He was classed as a Tammany Hall man? A. After the election; yes, sir.

Q. He became a Tammany Hall man sometime before you became a Tammany Hall man? A. Yes; some three years, I guess.

Q. Well, that was not a crime, Mr. Andrews? A. It was not a crime?

Q. For him to join Tammany Hall? A. I don't think it was.

Q. Have you any doubt of it in your own case? A. None at all.

Q. And certainly what was right for you to do in a political way must have been right for Mr. Tomlinson to do in a political way? A. Undoubtedly.

Q. You have not blamed him? A. No, sir.

Q. Have you anything else against him, except he joined Tammany Hall? A. I have not stated that as an objection.

Q. Do you know anything else against him, so as to alter the high regard you had for him? A. Well, there are some matters.

Q. Does it require you, a gentleman of your broad intelli-



gence, to ransack your brain for something against this man who has accused you of a felony? A. No, sir.

Q. Then, if not, say so right out? A. The matters that you are questioning me about now, are included in an action that I have commenced in the courts, and I would prefer to go into those before a jury.

Q. But, Mr. Andrews, that action is to vindicate yourself, isn't it; you stated to the Senators that that action you commenced to vindicate yourself against the attacks of his man? A. I did not say I commenced it; I say I commenced an action against Mr. Tomlinson.

Q. Isn't it to vindicate your character? A. And also to punish him; yes, sir.

Q. And now, you come here to vindicate your character; I am asking you to do it; if you can? A. Well, repeat the question you wish me to answer.

Q. Name some act of Mr. Tomlinson that caused you to change the high regard that you felt for him, and that altered your recommendation as being a man of unqualified integrity after you left the board; name some act? A. Well, sir; some time in 1890, Mr. Dayton told me—

Q. This is hearsay; I do not want you to get in a lot of stuff—hearsay matter; we are dealing with facts; name me something to your own knowledge that you can pin this man down upon, that has made this felonious charge against you? A. I can not unless you will allow me to answer the question in my own way.

Q. No; I ask a question; I don't ask you to tell me what Commissioner Dayton told you, or anybody else gave you? A. I will give you the circumstances?

Q. No, sir; I do not propose to allow you; we have had several denials on the witness-chair, and, possibly, Mr. Dayton might deny this; I am asking you to cite a fact or transaction of your own knowledge that caused you to change the high opinion that you entertained of this man? A. I can not cite them; if you will allow me to give you the circumstances; I can do that.

Q. No, sir; I do not allow you let loose the sluice-gates of slander here at all; we have not done so here; have not allowed a word of hearsay testimony to be introduced against you; only testimony leading directly to the point that you accepted this

\$500 as a bribe for your official action? A. I can not answer your questions as you put them.

Q. You said a while ago in a proper case that you would not allow a man who was guilty of wrong to resign; that is so, Mr. Andrews, while you were commissioner, in a proper case? A. I do not recollect saying so, sir.

Q. Has your memory failed you already? A. No, sir.

Q. You said that it would depend upon the circumstances of the case whether you would move for his dismissal or allow him to resign? A. You asked if I would permit a man to resign.

Q. I asked you if you would permit a man to resign against whom an accusation was made of committing a felony? (No answer.)

Q. Would you? A. I can not say what I would do.

Q. What is your idea; you have spoken a great deal about your discretion; what is your standard of official conduct under such circumstances? A. I should be governed entirely by the circumstances in any case, whatever they are.

Q. Can not you tell us what your standard would be, if as a street commissioner, what would your standard be? A. If you state the circumstance, I would tell how I would act upon it.

Q. I am asking you a hypothetical question? A. I can not answer a hypothetical question.

Q. I assume a man was accused of having accepted bribes as an official of the board of excise of this city; would you permit such a man to resign? A. No, sir; I would not.

Q. What would you do? A. I should take steps to have him indicted.

Q. And of course you would apply that rule to the present department over which you at present preside? A. Yes, sir.

Q. You believe that in that department even there should be cleanliness as well as in other departments? A. I do.

Q. Well, you have stated here that you have discovered cases of perjury and fraud while you were commissioner of excise; why didn't you try and have those people indicted? A. I stated I had discovered cases where I believed false statements had been made.

Q. Did you pursue the cases any further; you, a commissioner of excise, where there was sufficient to justify a belief — did you pursue such cases any further? A. I never pursued any case to the extent of attempting to procure an indictment.

Q. Or making a complaint? A. For procuring the arrest; never.

Q. Or calling the district attorney's attention to any particular case? A. Yes; I did that.

Q. Name the case? A. In the early part of 1886 a man made a statement in a Police Court that he had paid to procure a license; the license was revoked within three or four weeks after it was granted to him, upon the ground that his place was disorderly; he conducted business after the revocation of the license, was arrested and in the Police Court was reported to have stated that he had paid for his license, and had paid the police to be permitted to run the place; I went to the district attorney and ask him to summon the man before the grand jury; he did so, and the man made a statement before the grand jury; and the grand jury, as I was informed, were about to indict the persons whom he testified he had paid money to, but—

Q. What was this man's name? A. I think—my recollection is, that the man's name was Selling, I think.

Q. What was the place? A. The place was a place in Fourteenth street, just west of Sixth avenue, on the south side.

Q. There was no indictment found? A. The grand jury were about to indict—

Q. Hold on, Mr. Andrews; do you pretend to give information of what took place in the grand jury room? A. No, sir.

Q. Don't you think you had better stop? A. I asked the district attorney—

Q. You did not do anything? A. I asked the district attorney to summon the man a second time before the grand jury, and he ran away and stayed away from the city for about a year and could not be brought before the grand jury for a substantially similar complaint.

Q. That man must have been the predecessor of Sophy Schubert? A. That was the man who killed a man at the corner of Sixth avenue and Twenty-third street sometime afterward and was tried for the murder and acquitted.

Q. If you had been industrious in pressing that complaint that man might never have been guilty of murder? A. I was industrious, but he fled the city.

Mr. Goff.—Holland! Holland! Holland was here. Hagerty here? (No answer.)

Q. You know Collins? A. I know the man I presume you refer to.

Q. You saw him stand up; Lawrence Collins, he was an inspector of the board of inspectors? A. Yes,

Q. And Haggerty; and you remember he was an inspector of the board of inspectors? A. Yes, sir.

Q. You remember that? A. Yes, sir; I do.

Q. I read on the official record the appointees of that board, Collins, Lawrence, residence, 233 East Thirtieth street; position, inspector, appointed February 1, 1888, resigned March 31, — Mr. Andrews, were you a commissioner of excise for a second term; were you only a commissioner for one term? A. I was appointed for a second term, but only served one year for the department; I served 14 or 15 months in the second term; in 1892 I was appointed for a second term.

Q. And you left the department when? A. I left the department on the 22d of July, 1893.

Q. Eighteen hundred and ninety-three; that is all right; now, I read here that this Lawrence Collins resigned on March 31, 1893; you were then commissioner of excise? A. Yes, sir.

Q. Do you remember then anything peculiar about his resignation? A. I remember the facts.

Q. You remember? A. Concerning it; yes, sir.

Q. I read from the same book, "Michael Haggerty; residence, 685 Third avenue; special inspector; appointed, February 1, 1888; resigned, March 31, 1893," the same day; anything peculiar about Haggerty's resignation? A. He resigned the same time Collins did.

Q. Do you remember any special feature in connection with it? A. I remember in a general way, I think, all the circumstances in connection with it.

Q. They were accused of having accepted bribes, to make a short story of it? A. No; they were not.

Q. What were they accused of? A. They were accused of having violated the rule of the board of excise, which prohibited an inspector from selling licenses for surrender, or having any dealings or connection with the sale of licenses to be surrendered for cancellation.

Q. And that arose from a rule adopted by the board of excise that no new places should be licensed unless an old license should be surrendered; isn't that the fact? A. Yes; that rule was made in 1886.

Q. I understand that rule; and the excise commissioners have taken considerable credit to themselves in reducing the number of licensed places in New York? A. There has been a very large reduction.

Q. A very large reduction; and that was one of the methods adopted by the board to prevent an increase? A. The rule of the board was no new licenses should be issued unless an old license was canceled and died, so that there should be no increase in the number of licenses that existed.

Q. Didn't that give rise to a practice among the employes of the department of buying up old licenses so that they could surrender them, and charging the applicant for a new license a large sum of money for surrendering the old license; didn't that give rise to that practice among the employes of the department? A. I believe that the employes of the department were sometimes interested in the sale of old licenses; and it was for that reason that the rule prohibited their doing so was made; that rule I drew myself.

Q. So there was a reason for your drawing that rule? A. Yes, sir.

Q. And it came to your knowledge that the employes of your department were engaged in trafficking in old licenses for the purpose of making money in giving new licenses? A. I believe that to be the case; I had no personal knowledge of it, and no proof of it.

Q. You were satisfied of it when you drew the rule? A. I believe that was true of some of the employes.

Q. There was a sufficient reason for the rule existing to justify you in drawing that stringent rule? A. I believe so.

Q. Now, here is a letter addressed on March 6, 1893, over your signature: "Lawrence Collins, Esq. Sir.— You are hereby suspended from duty in this office, pending a hearing upon the following charges: That you offered for sale a certificate of saloon license issued to David Ryan of No. 161 Hester street, and took the certificate of license from this office to have it indorsed by Mr. Ryan, in favor of Abraham Keimer, in violation of the order of the board forbidding inspectors or employes of this office from being interested in the sale of licenses, the license referred to having been previously surrendered to the board of excise by Mr. Ryan. You will be called upon to explain how it came to be in your possession. An opportunity to be heard in answer to this charge will be given you on Wednesday, March 8, at 12 o'clock." The same letter in substance, although differing somewhat in form, you addressed to Haggerty, "Sir, you are hereby suspended from duty in this office pending a hearing upon a charge that you sold in this office, receiving \$400 for

the same, a saloon license issued to David Ryan for No. 161 Hester street, in violation of the order of the board that no inspector should be concerned or interested in the sale of any license. The license has been previously surrendered by Mr. Ryan to the board of excise, upon his receiving a hotel license for the above named place, and in addition to the charge of having sold the license you will be called upon to explain how a license which had been surrendered to the board of excise came into your possession. An opportunity to be heard in answer to this charge will be given you on Wednesday, March 8, at 12 o'clock." That is a very serious charge, Mr. Andrews: First a violation of the rule that you adopted; secondly, a trafficking in licenses by a public official, which was a felony in itself; thirdly, possession of a license that had been previously surrendered to the board; those are the three elements you charged Mr. Haggerty with; did you hear Mr. Haggerty? A. Yes, sir.

Q. And you heard Mr. Collins? A. Yes, sir.

Q. And they were allowed to resign? A. Yes, sir.

Q. Were they guilty or innocent of the charges you preferred against them here in that letter? A. My belief is —

Q. Were they guilty or innocent; answer my question? A. My belief is they were guilty.

Q. And in the face of the fact that two employes of that board were guilty, and guilty of an offense that would send them to State's prison you allowed them to resign? A. Oh, no, sir.

Q. Didn't you allow them to resign? A. It was not an offense that would send them to State's prison; you are asking me if I allowed them to resign after they committed an offense that would send them to State's prison.

Q. We will take that out of it; in the face of that charge that they had taken up an old license, and had charged a person \$400 for that license, and that they had become possessed of that license after it was surrendered by the owner—in the face of these charges, of which you believed them guilty, you allowed them to resign? A. Yes; they disobeyed the rule of the board; there was not anything criminal in their act; nothing whatever; simply a violation of the rule.

Q. Were they heard in their own defense? A. Yes, sir.

Q. Before the full board? A. Yes, sir.

Q. Who were the commissioners then? A. Commissioner Dalton, Commissioner Holmes and myself.

Q. Did you and Commissioner Holmes quarrel about that case? A. No, sir.

Q. Did you have any misunderstanding about that case? A. No, sir.

Q. Was it not a fact that after that case, when you insisted upon their resigning, that Commissioner Holmes and yourself did not exchange words for quite a long time? A. No, sir.

Q. Will you swear to that? A. I will.

Q. Will you swear that one of those inspectors did not state before the commissioners that part of the money he received went into Commissioner Holmes' hands? A. I will, sir.

Q. Wasn't there any mention of it? A. No, sir.

Q. Not a suggestion of it? A. No, sir.

Q. That is, of course, the same as all the rest of the testimony you have given here—the absolute truth? A. Why, certainly; that is true; no such suggestion was made.

Q. Weren't those two men immediately— A. The statements were taken down by a stenographer, and the minutes should be preserved.

Mr. Goff.—Stenographer, where are you? Have you the statements here?

The Stenographer.—Yes, sir.

Mr. Goff.—Were they written out.

The Stenographer.—Yes, sir.

Mr. Goff.—When were they written out?

The Stenographer.—At the time.

Mr. Andrews.—I can give you all the facts in this case, if you desire. If you prefer I should answer your questions I will do so.

Q. However, the fact remains, commissioner, that in the face of these charges these two men were allowed to resign? A. Yes, sir.

Q. And don't you know they were afterward appointed to political positions under the city government? A. No, sir.

Q. Did you ever hear of it? A. No; I don't think I did.

Q. Will you swear you did not? A. I have no recollection of it.

Q. Will you swear those two men were not afterward appointed to positions in the municipal government? A. I will not swear to that; I have no knowledge whatever.

Q. By the way, speaking of inspectors, Mr. Andrews, do you remember Inspector Jacob Reis? A. Yes, sir.

Q. Was there not a request to the stenographer at that time these two men were heard not to put anything—not to take notes of the accusations one of them made against Commissioner Holmes? A. What; before the board you mean; no, sir.

Q. Either by you or one of the commissioners? A. No, sir.

Q. A request to the stenographer not to take it down? A. No, sir.

Q. We will examine this paper, Mr. Chairman and Senators; and as a remarkable instance of the industry of the stenographer of this board it is the only case in which he has written out the testimony which he has not been paid for? A. That is not so, Mr. Goff.

Q. And this is a copy, not the original either; now, Mr. Andrews I ask you about Jacob Reis.

Chairman Lexow.—Is there any special reason for a transcript of those minutes?

Mr. Goff.—No special reason at all, so far as it appears on this proceeding why a transcript of these proceedings should have been made.

The Witness.—A transcript of the minutes was always made when the board desired them for record.

Q. Why did they desire this for record? A. It is a very important matter; it was on it they based their action in calling these men before them; and the men were entitled to have the evidence taken of course.

Q. Where a license is surrendered to the board it then goes into the custody of the chief clerk, doesn't it? A. It goes into the custody of the cashier usually.

Q. And it becomes the property of the board? A. No, sir.

Q. Whose property? A. It is the property of the man to whom it was issued.

Q. When he surrenders it? A. When it is canceled it ceases to exist; but it is only canceled, and can only be canceled upon the request of the person to whom it is issued; the board of excise has no power over it and can do nothing with it except the owner owning it requests.

Q. But isn't it a fact that where a paper that we have called a license here—that where that is surrendered and given up into the physical custody of the board of excise, the man to whom the license was originally issued loses all interest in that paper? A. No; not until it had been canceled at his request.



Q. Had this license that had been surrendered by Ryan been canceled? A. No; it had been deposited with the board of excise for keeping.

Q. It was in charge of the board of excise? A. Yes, sir; will you allow me to explain that; I will make it clear in a moment.

Q. That paper was in charge of the board of excise as a depository? A. Yes.

Q. For safe-keeping? A. Yes.

Q. And the possession of the paper rested in Mr. Ryan? A. Yes; he had a perfect right to come and get it at any time.

Q. Here is a case that an official of the board is found in possession of this license that was surrendered to the board? A. Yes, sir.

Q. Isn't that stealing a public document? A. Not unless he stole it.

Q. How did he get possession of it? A. Do you wish me to tell you.

Q. I ask you how did he get possession of it, unless he stole it? A. You have told me to —

Q. Answer my question? A. I don't know; I can tell you how I was informed he got it.

Q. I don't want your information? A. I can tell you what was testified to.

Q. The record — A. The record will show.

Q. He had no right to that? A. I can tell you what he testified to, and what he said.

Q. I don't want what he testified to; I am asking you; you acted there in a commendable manner except in not going far enough; didn't you consider the act most reprehensible at least? A. I did, decidedly.

Q. And you compelled the resignation? A. I accepted the resignation.

Q. If the resignation had not been given voluntarily were you not prepared to insist on their dismissal? A. I was, absolutely.

Q. And you considered the offense grave enough to take those extreme measures? A. Unquestionably.

Q. I ask you about Jacob Reis; he was an inspector of excise, wasn't he? A. Yes.

Q. At the same time he was manager of your iron works? A. He was connected with the iron works.

Q. He was manager? A. No, sir; he was not.

Q. What position did he hold? A. He looked after some accounts and some collections.

Q. And he drew pay from your Central Iron Works at the same time he drew pay from the city; did he, or did he not?

A. He drew a small amount.

Q. Never mind how much; he was attending to your business?

A. He was part of the time.

Q. While he was also paid by the city as inspector? A. He attended to his duties as excise inspector also.

Q. He was supposed to be on duty all the time the city paid him for, was he not? A. He was.

Q. And it was on your recommendation he was appointed? A. Yes, sir; when he was appointed he gave up the salary which he formerly had in the iron works, except a small salary he received for attending to the books.

Q. There was another excise inspector there of the name of Lorenze, who was also employed in that iron works? A. Yes, sir.

Q. He was also paid by the city as excise inspector while he was in your iron works? A. Yes, sir.

Q. There was another excise inspector by the name of Leland; was he employed in your iron works? A. No, sir; he was not an inspector.

Q. What position did he occupy? A. He was application clerk.

Q. Was he also connected with your iron works? A. No, sir.

Q. Had he no connection with your private business? A. No, sir.

Q. What did he give the \$500 a year for; now answer my question, sir? A. What \$500?

Q. What did he give the \$500 to you for out of his salary? A. He sent \$500 to support his mother.

Q. Didn't he send \$500 a year to support his sister, your wife, in California? A. No, sir.

Q. Wasn't that a condition of his appointment to support his sister, your wife; by paying \$500? A. No, sir.

Q. Five hundred dollars a year was given by him out of his salary? A. Sent to his mother.

Q. And your wife living with his mother in California? A. No.

Q. That is the lady that made the trip around the world after Nellie Bly showed her the way? A. Yes, sir.

Q. Isn't it the same lady? A. Yes, sir.

Q. I do not wish to go into private affairs, but this is a public matter; didn't you and Leland quarrel over that? A. No, sir.

Q. Didn't you have any quarrel with him about his failure when he said he would not support your wife any longer? A. No, sir.

Q. Hadn't you any quarrel with him? A. No, sir; absolutely no.

Q. You sent the \$500? A. No, sir.

Q. Who sent it? A. Mr. Leland; I never sent money to his mother; he sent it.

Q. Had you ever a quarrel with Mr. Leland? A. No.

Q. How many promissory notes of yours in relation to your iron works did the brewers of New York hold while you were commissioner of excise and connected with the Central Iron Works? A. I don't remember any.

Q. Will you swear there was none; does it take you so long to think? A. I don't recollect any.

Q. Will you swear there were no notes of yours discounted by brewers in this city at the time you were commissioner of excise, for your Central Iron Works; come, sir, is it a fact or not? A. I don't recollect any such occasion.

Q. Will you swear there were not notes of yours discounted? A. I know that Mr. Jacob Ruppert on one occasion loaned me some money on my notes.

Q. Yes; upon your notes? A. Yes, sir; or upon a note indorsed by me.

Q. Wasn't there more than Mr. Jacob Ruppert? A. No.

Q. Do you remember whether Comptroller Fitch got a license for Mr. Ehret, and Mr. Ehret indorsed your note? A. No, sir.

Q. In connection with the iron works? A. No, sir; never.

Q. Are there any notes of yours in Mr. Ehret's possession, or his attorney's possession? A. No.

Q. Is it not a fact that you threw your whole power in the excise board in favor of one brewer in the city — Mr. Clausen? A. No, sir.

Q. Don't laugh? A. It is not a fact.

Q. Isn't it a fact that you, and your brother commissioner, Von Glahn, were known as agents of the brewers in this way on the excise board? A. No, sir.

Q. Did you ever hear yourself called so? A. No, sir.

Q. Didn't you serve particular brewers on the excise board when you could? A. No.

Q. You say a note was given by Mr. Jacob Ruppert? A. No; I say Mr. Jacob Ruppert loaned me money on a note of mine on one occasion.

Q. What occasion was that, by the way? A. I don't recollect, Mr. Goff, the date, or the time.

Q. How much was the note? A. I don't recollect that.

Q. Three thousand dollars? A. Yes, sir; I think that was the sum.

Q. That is the sum exactly; that is the sum; what were the relations between yourself and Mr. Jacob Ruppert, the brewer, at the time he indorsed your note? A. Mr. Jacob Ruppert has been a personal friend of mine for a great many years.

Q. Well, you have never paid that note? A. Yes; I have.

Q. When? A. The note was paid when it came due.

Q. Had you the note in your possession? A. I think so; I am not sure.

Q. Where is the note? A. don't know.

Q. Can you tell me who has it? A. No; I could not say now.

Q. Aren't you business man enough to know when you pay such a sum as that as \$3,000 that you take up the note? A. The note was paid and taken up.

Q. Who paid it? A. I paid it at my bank.

Q. What bank do you say—your bank; what bank do you mean? A. I keep an account in the Lincoln bank.

Q. Haven't you an account there yet? A. Yes.

Q. An account in a fictitious name? A. No, sir.

Q. Do you mean to say you have an account in the name of William S. Andrews? A. Yes, sir; I have, and have had five years.

Q. Haven't you stated in a supplementary proceeding in the Court of Common Pleas that you have not an account there? A. No, sir; I swore I had an account there.

Q. Didn't you swear you were not worth anything, as a judgment debtor in supplementary proceedings? A. I swore I had no real estate.

Q. Didn't you swear you had no personal estate? A. No; I don't think so; I didn't swear that I had not any personal estate.

Q. Didn't you swear there was nothing out of which a judgment could be levied? A. I don't think I did.

Q. Did you swear you had property, real or personal; will you swear you had property real or personal? A. I don't recollect, Mr. Goff, exactly what the testimony was.

Q. Will you swear you had property real or personal? A. Very little.

Q. Wasn't it a fact that you swore that you had nothing that that judgment could be levied or paid out of? A. I paid the judgment on the note.

Q. When; when did you pay the judgment? A. I paid it since those proceedings were taken.

Q. At the time those supplementary proceedings were taken? A. I made an agreement to pay it then.

Q. I know of the agreement that they should not pursue the examination any further; wasn't that the condition? A. Of course.

Q. So they would not expose you, you agreed to pay the judgment? A. I don't know that there was any question of exposure.

Q. Wasn't that the understanding and agreement? A. I agreed to pay the judgment.

Q. If they would stop examining you? A. The fact is during the examination, the attorney for the person who procured the judgment proposed a settlement, and I accepted the proposal.

Q. It was only when you were yanked up for supplementary examination that you listened to a proposal to settle? A. It was only at that time that I made the settlement.

Q. An execution had been issued against you before that, and that execution had been returned nulla bona? A. Sometime before that.

Q. The sheriff visited you and you told him you had no property? A. I know that.

Q. Will you swear the sheriff did not visit you, and you gave him a \$10 bill not to issue the execution until the 60-day limit expired? A. Yes, sir, I will; I will swear nothing of the sort ever occurred.

Q. Will you swear the deputy sheriff did not visit you, and state that he had an execution against you? A. I have no knowledge of it whatever.

Q. Will you swear an execution was not issued against you? A. I have no knowledge; I have no knowledge of it.

Q. You know as matter of fact, you could not have been examined on supplementary proceedings unless an execution had

been issued and returned unsatisfied? A. I suppose an execution was issued and returned; I believe it to be so; and I suppose that fact was shown to the court when the order for examination was issued; but it was not shown to me.

Q. Haven't you had an account in the Lincoln bank under a fictitious name; in whose name you have drawn your check and indorsed with your own name, William S. Andrews, on the back of the check? A. No, sir.

Q. Will you swear to that? A. No, sir.

Q. Will you swear there is no account in the Lincoln bank except the one in the name of William S. Andrews? A. No account of mine; yes, sir.

Q. That you are interested in? A. I have given checks of mine to be deposited to the account of Mr. Reis, and he has given me his checks to draw against the amount to which I was entitled; but that was not my account.

Q. No, no; I know that? A. And that has been kept with Mr. Reis' money.

Q. This Reis is the inspector of excise that was also foreman in your iron works; it is the same Jacob Reis? A. The same man; yes, sir.

Q. What name would you draw those checks on to Mr. Reis' order; what name would you sign to the check? A. I have Mr. Reis' check; Mr. Reis gave me his check drawn to my order.

Q. Reis would draw a check to your order? A. Yes, sir; and I indorsed it.

Q. And you had power of attorney from Mr. Reis to sign his name? A. No, sir; never.

Q. You had oral authority? A. No, sir; I never signed his name in my life.

Q. He gave you checks signed in his name? A. Yes, sir.

Q. Upon the Lincoln bank? A. Upon the Lincoln bank.

Q. What did you do? A. I indorsed the checks, and paid them out; they were drawn to my order.

Q. Well, if you had an account in the Lincoln bank at the time, what necessity was there for all this amount of business of getting Reis' check, if you wanted to pay them out; why didn't you pay your own checks? A. It was a matter of convenience.

Q. Wouldn't it be more convenient to draw on your account? A. No; because Mr. Reis kept the account for me, and went to the bank and—

Q. Yes, I understand? A. And deposited money.

Q. I understand; but the account in Reis' name was really your account? A. No, sir; it was his account; I suppose Mr. Reis deposited thousands of dollars of his own money and to his own account where he deposited hundreds of mine; it was his account, and he has accommodated and obliged me by taking such checks as I had, and putting them in the bank; I indorsed them to him, and he put them in the bank to his credit and drew his check to my order, which I used.

Q. I can not understand that, I confess; let me ask you this: did Mr. Reis ever draw a check to your order except when you had drawn a check on your account to his order, or previously deposited a check to meet the checks on him to you? A. I don't understand it.

Q. Reis had an account in his name in the Lincoln bank hadn't he? A. Yes, sir.

Q. You had an account in your name in the Lincoln bank? A. Yes, sir.

Q. At the same time? A. Yes, sir.

Q. Running along in the same way? A. Yes, sir.

Q. Neither of those accounts had anything to do with each other? A. No.

Q. You deposited in your account and Reis deposited in his account? A. Yes, sir.

Q. You had a balance to you in your account, hadn't you? A. I have not had but a very small balance for several years.

Q. Enough to keep the account there? A. Yes, sir; the account had never been closed.

Q. It has never been closed; but you never drew against it? A. I have not for some time used it.

Q. So the real account against which you drew was the one in Reis' name, whenever you wanted to draw money; isn't that the fact? A. I told you when I had checks I gave them to Mr. Reis, and asked him to deposit them to his credit and give me checks in exchange.

Q. If you had an account in your name why didn't you deposit checks to your own credit? A. Because it was more convenient the other way.

Q. More convenient to go to the other man and deposit in his account? A. Mr. Reis came to me; I did not go to him; and I gave him the checks and he took them to the bank; it saved my going and keeping any bank-book or record.

Q. You did not keep a bank-book or record? A. No; I did not keep a bank-book.

Q. And he kept it all? A. No.

Q. You can not tell what was your balance? A. Yes, I always knew.

Q. That was Reis' balance you knew? A. No, it was what I gave Mr. Reis; I kept a memorandum of it.

Q. And, in fact, Mr. Reis was banking for you? A. No, sir; he was not banking for me.

By Senator O'Connor:

Q. How was it a convenience; in what respect was it a convenience to the witness.

Mr. Goff.—Senator, if you can get it out, I would wish you to do so.

Q. This was a matter in which you were embarrassed and you really desired to avoid your creditors; there was some good reason for keeping an account in that way? A. At one time a judgment was taken against me in a matter in which I did not believe I was responsible; I never had a judgment taken against me in any personal account in my life; the judgments taken against me were taken largely as a director of a corporation, the officers of which had failed to file the annual report required by law; when the New York Star newspaper failed the indebtedness of that paper was over \$600,000; as a trustee I discovered that the annual report that should have been made in one year had not been filed, and I under the law was personally liable for all the debts of that paper.

Q. And the way to get around this was to do this thing, to get around paying a debt you thought you ought not to pay? A. There was a large number of claims pending, and I commenced giving Mr. Reis checks to deposit to his credit to avoid any money being levied upon in those proceedings as against me; and Mr. Reis had been my bookkeeper and had carried on the business for me, and kept my accounts for many years, and when he once got into the habit I simply allowed him to go on, because it was more convenient to me than any other way; I was not carrying on any business; I did not have a clerk or any person except Mr. Reis who could go to the bank for me and make deposits, and I found that was the easiest and most convenient way for me to manage such accounts as I had.



Q. Are those claims of bankrupt corporations still outstanding against you? A. They are, sir.

Q. And you regarded yourself equitably at least not responsible for them? A. I did regard myself as equitably not liable; they amount to \$600,000.

By Mr. Goff:

Q. You spoke about the "Star;" you were a stockholder in the Star, were you? A. Yes, sir.

Q. And you were a stockholder while you were excise commissioner? A. Yes.

Q. How many brewers have you had to advertise in the Star while you were commissioner of excise? A. None that I know of.

Q. Will you swear they did not advertise in the Star? A. I would not swear they did not advertise in the Star.

Q. Don't you know that they all advertised in the Star? A. No.

Q. Don't you know that was a road to your favor? A. No; I do not.

Q. You spoke about this man being a bookkeeper, this Reis; who was he bookkeeper for? A. For me when I carried on the iron works.

Q. Were you the only owner of the iron works? A. When I owned it, I was.

Q. When did you cease to own it? A. Several years ago.

Q. How many years ago? A. I think about four or five years ago.

Q. Did you ever swear you were not the owner of it; now, be careful? A. No; I don't think I ever have.

Q. Are you sure? A. No; I would not swear; I swear now, I was not for the last four or five years.

Q. Have you ever sworn that you were not the owner of the Central Iron Works at the time you were? A. Oh, no.

Q. Are you sure of that? A. Why, certainly.

Q. When did you cease to be owner? A. Four or five years ago.

Q. How many years were you owner? A. About eight or nine years.

Q. Will you swear that during the eight or nine years preceding the last four or five years you did not swear you were not the owner of the Central Iron Works? A. I will.

Q. Positiively? A. Positively.

Q. Clear about that? A. Yes, sir.

Q. No qualification about it? A. I will swear I never said I was not the owner when I was.

Q. I am not asking you about that; I gave you down to the time you gave me—if in the eight or nine years preceding the last four or five years, when you say you were not the owner, during those eight or nine years did you ever swear you were not the owner of the iron works? A. No.

Q. Are you clear about that? A. Perfectly clear.

Q. And positive? A. And positive.

Q. In whose account is the money that you deposited—figures and money that you used in the Lincoln Bank—to day; in whose name is it? A. I have an account in the Lincoln Bank.

Q. The same as you have had for years? A. Yes, sir.

Q. That is a blind account? A. It is very small account.

Q. When did you make the last deposit in the Lincoln Bank?  
A. I do not recollect that.

Q. How many years ago was it you made the last deposit in the Lincoln Bank? A. I have made a deposit there within a year.

Q. How much? A. I made a deposit within a year.

Q. How much? A. The last deposit made was \$1,000.

Q. When was that? A. I do not recollect it.

Q. You drew it out again? A. Yes."

Q. Drew it out; did you ever make any other deposit but that \$1,000 within the past year? A. don't think within a year.

Q. Did you not draw any other checks on the Lincoln Bank except the amount you drew out of the Lincoln Bank in the last year? A. No.

Q. The only account you have in your name is one that has gone along in the Lincoln Bank and in which the only deposit you made within a year was \$1,000, and upon which you immediately drew a check of \$1,000? A. Yes, sir.

Q. And is not the balance \$15? A. I don't know; it may be.

Q. Since you say you gave Reis the check you have not been in business; from whom have you received checks which you gave to Reis to deposit in the Lincoln National Bank? A. I have

not given Mr. Reis any checks to deposit, except the checks I get from the city for my pay, for a long time, that I recollect.

Q. You said you gave him checks? A. Yes, sir.

Q. Why didn't you deposit your pay that you got from the city in your own account in the Lincoln National Bank? A. Simply, because it was more convenient for me to have Mr. Reis do it for me.

Q. That is the only reason, is it? A. That is the only reason.

Q. You did not want to avoid paying the grocery bill for which a judgment was given against you? A. No judgment for a grocery bill was given against me.

Q. What was the judgment given against you for in the supplementary proceedings? A. I went security for the rent of an office for a friend and it was on account of the security; I never had a judgment for a personal account in my life against me.

Q. Did you ever give Mr. Reis currency — bills — to deposit for you in the Lincoln National Bank? A. I may have done so in some case.

Q. Where did you get the bills? A. I can not tell you that.

Q. What amount in bills? A. I don't know as to that.

Q. A thousand dollars? A. I may have given him bills.

Q. A thousand dollars in bills? A. No, sir.

Q. One hundred dollars at a time? A. Possibly.

Q. Where did you get the \$100? A. I can not tell you unless I could recall the particular instance, and perhaps then I could not.

Q. Have there been many instances in which you gave him bills to deposit for you? A. No; I don't think so; I recollect the fact that I may have done so in some cases.

Q. You have stated already that you kept a memorandum of the checks and bills you have given to Mr. Reis to deposit for you, you keeping a memorandum account, you told us? A. No, sir; I kept simply a memorandum of the amount of the money I am entitled to draw against Mr Reis' account.

Q. The deposit slips will show in Mr. Reis' account; have you got that memorandum? A. No, sir.

Q. Where is it? A. It is at home, such memorandum as I have, are at home.

Q. You have kept a correct account of the moneys you were entitled to draw against Mr. Reis? A. I don't think I have

kept any very correct account; I have kept my memorandum in my pocket.

Q. You are too good a business man for moneys to go to your credit that you were not entitled to draw against; and you kept this memorandum in your pocket? A. I do not think I am a good business man; but I knew how much money I should get.

Q. You have not been in business for several years? A. No, sir.

Q. Where did you get the bills that you gave to Mr. Reis to deposit for you; where did you get them; where did you get it? A. I can't answer that question.

Q. You were not in business? A. No.

Q. The city don't pay you in bills? A. The only instance—

Q. Did the city pay you in bills? A. No, sir; in checks.

Q. Where did you get it? A. The only instance—

Q. Where did you get it? A. I can not answer such questions as that; if you call my attention to any particular instance, I might be able to do that.

Q. I was not keeping your bank account for you? A. I know that.

Q. How long has this relation continued between yourself and Reis? A. About 15 years.

Q. About 15 years? A. Yes, sir.

Q. And did that relation continue at the time that Tomlinson swears he gave you the \$500 as a bribe; was it in existence then? A. Oh, yes.

Q. Did you make a memorandum of the \$500 that you gave in bills to Reis? A. No, sir.

Q. You are clear about that? A. I am very clear; that \$500 did not exist.

Q. What we are interested in to know is that you, as a public official, receiving your salary from the city in checks, you have been giving bills to another man to deposit them for you in the bank; where did you get those bills? A. I have not given him bills except in small amounts, and on few occasions.

Q. Where did you get those bill you gave to Reis? A. I can not tell you where I get moneys I had in my bank.

Q. Didn't you get this money from contractors who had contracts in your department? A. No, sir.

Q. From whom? A. I can not tell.

Q. Did you get them from your grocer? A. I don't know sir.

Q. Did you get them from your butcher? A. I have told you I can not testify as to where I got any bills that I may have sent to the bank for deposit.

Q. Or from whom you got them? A. Or from whom I got them.

Q. Can't you tell us the highest amount of your bills you have ever given Reis to deposit for you, say within the past two years? A. I can not; I don't think more than \$100, or so.

Q. More than \$100 within the past two years? A. No.

Q. How much is your salary? A. Six thousand dollars a year.

Q. Five hundred dollars a month? A. Yes, sir.

Q. And you get that in check? A. Yes, sir.

Q. When you deposited \$1,000 in the Lincoln bank in the past year, was it in checks or money? A. That—

Q. Was it in checks or money—bills—when you deposited that \$1,000? A. I think that was deposited in a check.

Q. Who gave you the check for the \$1,000? A. I got that check, I think, from some money I borrowed from Mr. Ruppert; that is my recollection; I borrowed money from Mr. Ruppert.

Q. A thousand dollars? A. Yes, sir.

Q. Was that George Ruppert's check that you deposited in the Lincoln bank within the past year? A. I think so.

Q. Don't think; you have only had one transaction of that kind in the past year; can't you think whose check it was you deposited? A. I will say it was Mr. Ruppert's check.

Q. Will you swear it was Mr. Ruppert's check? A. Yes, sir.

Q. For \$1,000? A. Yes, sir.

Q. Made to your order? A. I am not sure about that, Mr. Goff.

Q. To whose order? A. I am not sure about that.

Q. To whose order, if not your order? A. Oh, was the check I had to my order? Yes.

Q. The check you had was to your order for \$1,000? A. Yes.

Q. By George Ruppert? A. Yes, sir.

Q. With his name on it? A. I think so; yes.

Q. You have no doubt about it now, Mr. Andrews; there is no doubt about it, is there; don't let us go on in a false scent; we do not want to bark up the wrong tree; why do you hesitate? A. Because—

Q. Are you speechless? A. No, sir.

Q. Then answer? A. I borrowed some money from Mr. Ruppert.

Q. That is not my question; was George Ruppert's name signed to the check for \$1,000 payable to your order that you deposited? A. I would not swear to that; no, sir

Q. You will not swear? A. No, sir.!

Q. Then whose name was to the check; whose name; you have only had one transaction of the kind in a year? A. That was all, only one transaction. }

Q. Whose name was to that check? A. My recollection is, sir, that —

Q. I don't want your recollection; give me the name of the man that gave you that check, that appeared on that check, if you can; does it take so long, Mr. Andrews, to give us the name of a man to a check of \$1,000, the only one you have had in a year, you say? A. No; it is not the only one I had in a year.

Q. The only one you deposited in the Lincoln National Bank? A. The only one I deposited to my own account.

Q. I want the name; whose check was it; that is the point; whose check was it? A. I think — I am not certain now.

Q. Don't think? A. I am certain now, and I will swear that I deposited bills instead of a check in that case.

Q. Oh, the mystery deepens; and where did you get the bills; where did you get the bills? A. I borrowed the money.

Q. From whom; from whom did you borrow \$1,000 in bills? A. Well, I prefer not to state.!

Q. Why; why do you prefer not to state? A. Because it was a private transaction.

Q. Will it tend to convict you of a crime? A. No, sir.

Q. Would it tend to degrade or disgrace you? A. No, sir.

Q. Then you can not refuse upon any other ground Mr. Andrews; you must answer the question? A. Very well; I suppose I may answer the question. }

Q. You must. A. I borrowed the money from Senator Plunkitt.

Q. From Senator Plunkett? A. Yes, sir.

Q. And how many thousand dollars did you borrow from Senator Plunkett? A. One.

Q. That is the only one? A. Yes, sir.

Q. Have you paid him? A. No, sir.

Q. Did you borrow it on time? A. Well, I borrowed it without any —

Q. Without any limit of time? A. Without any promise as to any particular time of payment.

Q. You did not give him any promissory note? A. No, sir.

Q. Do you know George Plunkett has a bank account? A. Yes, sir.

Q. Why did you get the money in bills and not in check? A. I did not care to deposit his check in the bank.

Q. Why; was there anything dishonorable in that? A. No; none whatever.

Q. Why didn't you care to deposit his check? A. I asked him to lend me the money.

Q. Why didn't you care to deposit Plunkett's check; is his name a disgrace to have to deposit? A. No, sir.

Q. Why did you care to have it deposited? A. I have no answer to give to that.

Q. Can you give an answer; or do you refuse to give an answer? A. No; I do not refuse to give an answer; I prefer not to.

Q. Wasn't that \$1,000 for bribing you? A. No, sir.

Q. What was it? A. A loan.

Q. Wasn't the loan in consideration of some contracts which he has from your department of which you are a member? A. No, sir.

Q. Hasn't he contracts? A. No, sir; he has had for a great many years contracts for furnishing scows in the lower bay.

By Chairman Lexow:

Q. In connection with your department, commissioner? A. Yes, sir.

By Mr. Goff:

Q. What is the nature of his contract; what is the nature of the contracts he has had with your department? A. I say contracts; I don't know as there is any contract in existence; Mr. Plunkett has for many years past furnished scows for the collection of ashes from the vessels and ships in the lower harbor; and those scows are hauled.

Q. Is that all? A. That is all, yes.

By Chairman Lexow:

Q. Does Mr. Plunkett receive compensation through your department? A. Yes, sir; he receives compensation for the rent of the scows.

Q. Oh; you hire the scows from him? A. They are hired at I think \$6 a day.

By Mr. Goff:

Q. As a matter of fact Plunkett works through a number of dumimies, doesn't he, in the department? A. I don't know what you mean by that.

Q. Don't you know that Plunkett has a number of contracts in the names of other persons? A. No; Mr. Plunkett owns some buildings that are leased by the city; but I don't know of anything in the names of other persons.

Q. Don't you know that Mr. Plunkett is interested in other contracts besides those you have mentioned? A. No; I do not.

Q. You do not? A. I do not recall any; I do not know of any.

Q. Well, there is just a little item here; I want you to be patient with me until I get it.

By Chairman Lexow:

Q. Do you know the Barney Dumping Company? A. Yes, sir.

Q. Have you made a report advising the city to buy the scows belonging to that company for a large sum of money? A. No, sir; that has been repeatedly stated; I never did make such a report.

Q. You never advised it at all? A. No, sir.

Q. Well, if you have not done it officially in the form of writing, have you done it by word of mouth? A. No, sir.

By Mr. Goff:

Q. What increase in the item of expenditures of your department, presented to the board of estimate for rental of the stables, has there been since you have become commissioner; what increase over the estimates of your predecessors, not only Brennan, but Brennan and Colton; what increase has there been in that item? A. Well, there has been a recommendation as to the leasing of one stable only.

Q. There are nine stables are there not? A. Well, yes, there are nine under lease.

Q. And Plunkett has five? A. I am not sure as to that number.

Q. Will you swear that is not the fact; that is in your report and estimate? A. I don't know how many he owns.



Q. He owns five out of the nine, and McMahon, the police justice owns the the other four? A. No, that is not true.

Q. Will you swear that is not true? A. Oh, yes.

Q. Who owns the other four? A. The stable in Hamilton street is owned by Mr. Collins.

Q. Collins; who is Collins? A. I don't know; he is the owner of that stable.

Q. Is it the inspector that was discharged? A. No.

Q. A different man? A. Yes.

Q. You must know him? A. Yes; I know the man.

Q. Well, who else? A. The stable in Forty-eighth street is owned by the widow of ex-Judge Kelly, who died a year or two ago; the stable in One Hundred and Sixteenth street is owned by Mr. Plunkett.

Q. By Mr. Plunkett? A. I believe so; yes.

Q. We do not want to go over the whole of them; he probably owns five, Mr. Andrews, as a matter of fact? A. I am not sure; the leases were not made by me; the leases were made before I went into office.

Q. And yet under your department you have asked for the sum of \$11,550 for repairs to Mr. Plunkett's stables? A. Oh, no, sir.

Q. Here are the figures? A. Well, there are no such figures there.

Q. I say there are? A. Not to the renting of Mr. Plunkitt's stables.

Q. Well, to the stables of which Mr. Plunkitt has five? A. That was repairs to stable A; that belongs to the city.

Q. And you pay rent for the stables for the city \$63,100 per year rent? A. No; not so much as that, I think.

Q. How much? A. I don't know, unless I see the figures.

Q. That is the item; you ought to be well posted on the figures of your department; we excused you to go before the board of estimate and apportionment? A. The rent of the stables would not amount to that much.

Q. That is the estimate put in Mr. Andrews; you were before the board yesterday, and that is the estimate you put in? A. No, sir; that is not the amount.

Q. And \$7,000 for the stable; the repairs asked for is \$11,000? A. Mr. Goff is mistaken.

By Chairman Lexow:

Q. What is your recollection of that amount asked for? A. The rent of the stable in Hamilton street is \$5,500; the rent for the stable in Forty-eighth street is \$4,500, I think; the rent of the stable in One Hundred and Sixteenth street is \$5,000; the rent for the stable in One Hundred and Fifty-second street is \$4,000; the rent for the stable in One Hundred and Twenty-third street, which the city has still under lease, is \$2,600.

Q. To whom does that stable belong? A. To—; I think the man who controls it is an assignee or trustee; his name is Murray.

By Mr. Goff:

Q. For whom is he an assignee or trustee? A. Of a man named Riley, I think; or some person who lives in New Jersey.

Q. He is a contractor, isn't he? A. I don't know anything about him; that lease was made before I came into the department; and I know nothing about it except that there is a trustee or assignee who holds the property.

Mr. Goff.—Gentlemen, when you go up to the Legislature you will have a rich time in the street cleaning department.

By Chairman Lexow:

Q. How is it that the amount of \$2,600 is so much smaller than the other amounts for the stables? A. It is a small wooden building, which is not really fit for use; and was leased, I think, for more than it was worth for that price.

Q. You can rent, can't you, very handsome private houses for less money than that in the immediate neighborhood of those stables? A. Oh, yes; the ground there has a front of about 75 feet there, or three lots.

Q. In each case? A. The property in Hamilton street is 173 feet deep by some 60 or 70 feet wide.

Q. How large is the smallest ones of these places that you speak of, renting all the way from \$4,500 to \$6,000? A. Fifty by 100.

Q. Two lots? A. Yes.

Q. What place is that? A. Forty-eighth street and One Hundred and Sixteenth street.

By Senator O'Connor:

Q. Who makes the contracts? A. They are made by the commissioners of street cleaning, and they are practically made by the comptroller or the sinking fund—for the comptroller for the commissioners of the sinking fund; all leases—everything connected with the board—is under the direction of the commissioners of the sinking fund.

Q. Have the leases with Plunkett been made and approved so as to be a legal obligation against the city? A. Yes, sir.

Mr. Goff.—Those are 10 year leases.

Senator O'Connor.—For what prices?

Mr. Goff.—Sixty-three thousand in bulk.

The Witness.—You are mistaken.

Mr. Goff.—If my figures are mistaken, tell me.

Senator O'Connor.—What is the value of the property leased.

Mr. Goff.—The usual value—a very good value—would be a rental of 10 per cent in New York; that would be a very exceptional standard.

Senator O'Connor.—What is the value of the property, \$6,000?

M. Goff.—The stable property is not at all the value of the rents per annum paid for it for any year's rental.

The Witness.—The rental of the stables is not more than \$35,000 or \$36,000.

Q. Did you make these leases with Mr. Plunkett? A. No, sir.

Q. Did you have anything to do with them? A. No, sir.

Q. You found them when you came in office? A. Yes, sir.

Q. What commissioner made them—Brennan? A. They were some of them made by Mr. Brennan, and some, I think, before that.

Mr. Goff.—I will take the estimates of 1892.

By Chairman Lexow:

Q. Now, Mr. Commissioner, haven't you satisfied yourself that those rents are far in excess of the renting value of the property? A. No.

Q. You have not? A. I have not.

Q. Have you made any inquiry about it? A. No; I have not made any inquiry about those leases already made.

By Mr. Goff:

Q. Let me see whether the leases have already been made or not; in 1892 the official figures of the board of estimate and apportionment of your department, rent of stables, \$7,673, for that year? A. Yes.

Q. In 1893 the rent of stables had increased to \$30,793.55? A. To how much?

Q. I will read the figures again—\$30,793.55? A. I said about \$36,000.

Q. I say the increase from 1892.

By Chairman Lexow:

Q. There is an increase of \$23,000 in one year according to those years? A. That is a mistake; he is mistaken about that; there is no such amount.

Q. If the rent was in 1892 only \$7,000 how could these leases that he has spoken of be in existence at that time; how is that, Mr. Andrews? A. The leases for all the stables that are now leased by the department of street cleaning were made before I went into office, all of them; there has been no increase in the rent of stables since I went into office.

Q. How long have you been in? A. About 14 months.

By Mr. Goff:

Q. You went in in July, 1893? A. Yes, sir.

Q. Do you mean to say that your predecessor made all these contracts? A. There have been no leases made for stables since then.

Q. I am not asking that; do you mean to say your predecessor, Mr. Brennan, incurred that obligation of an increase from \$7,000 in 1892 to \$30,000 in 1893; do you mean to say that Mr. Brennan was responsible for that? A. Mr. Brennan was responsible for it.

Q. You throw the whole load upon his shoulders? A. There is no load to throw; the law was changed in 1892; the law by which these leases were made was provided by the commissions who looked into the street cleaning, and they arranged there should be a large number of stables.

Q. We know all about that, but Mr. Andrews, how is it that you have applied for \$11,000 for the repairs of those stables;

11,000 odd dollars? A. I have not applied for \$11,000 for repairs of stables for next year; I applied for \$11,000 for repairs of stables for the present year.

Q. So that even if the present year, with the remarkable increase from 1892, from \$7,000 to \$30,000 in 1893, and going up to \$70,000 in 1894, the commissioner has applied for \$11,000 to pay for repairs to these stables? A. No, sir; it would not.

Q. That is the estimate of the rent that you have put in this year; you say my figures are incorrect? A. I have attempted to tell you two or three times, and you have interrupted me.

Q. Is it \$50,000 for rent? A. I do not remember the figures; it is a matter of record.

Q. Is it \$40,000? A. About \$40,000.

Q. Then it has increased from \$30,000; we will take your figures; it has increased from \$30,000 in 1893 to \$40,000 in 1894; isn't that it? A. The estimate for the year, yes.

Q. These are not estimates, Mr. Andrews, for rents that you do not feel are necessary and legally to be paid? A. No.

Q. That is the increase in three years? A. For the rentals, yes.

Q. From 1892, \$7,000 to \$30,000 in 1893; from \$30,000 in 1893 to \$40,000 in 1894; isn't that it? A. If those were the figures.

Q. You have given the \$40,000; my figures are \$60,000? A. Your figures are wrong because you have included things that are not stables.

By Chairman Lexow:

Q. You claim that in representing your figures as being the necessary expenditure for that year that in your judgment those expenditures are proper and necessary for that purpose? A. Yes, sir.

Q. And you asked the board to allow you that amount? A. Yes; the greater portion of that is required for the payment of rent under leases already made.

Q. Do you mean to take the position that if you find in your investigation of those leases that they are extortionate contracts entered into with the city, that it would not be your duty as commissioner of streets to see that they are set aside in the interest of the city? A. Yes, sir; if I found that to be so it would be my duty to take steps to have the leases annulled if that could be done; the leases are made by the city and approved by the commissioner of sinking fund, and I think all the leases were made by the commissioner of the sinking fund.

Q. Do you think in your official capacity of street commissioner it is a delicate or improper thing for you to entail financial responsibility as against a man who has contracts and leases from the city under which you are bound to pay sums of money to him, and has the close connection with your department which apparently Mr. Plunkett had as shown by your record; do you think that is a delicate or improper thing to do with an official of this city? A. Perhaps it is not; Mr. Plunkett is a personal friend —

By Mr. Goff:

Q. Wait awhile; you have not answered the Senator's question? A. I would like to answer a question which you have asked me which I have not answered, as to the items of rental; that was not an item of rentals to the stables which are leased except as to one which is the property of the city—those repairs; \$10,000 of the \$11,000—was for repairs to stable A, which belongs to the city, and it is leased to the department of street cleaning at a nominal rent.

Q. Does not the department of public works attend to that; is not that item in the estimate of the department of public works? A. Yes, sir.

Q. It has also been expended by the department of street cleaning for stables? A. That was the estimate.

Q. This was the expenditure for this year—\$11,000? A. No; there has not been \$11,000 expended this year.

Q. Wasn't that appropriated? A. No; they did not appropriate anything; they refused to appropriate anything; and the department of public works has since repaired the stable.

Q. At \$11,000? A. I don't know the cost.

Q. That was the cost, whether it was through the department of street cleaning or the department of public works; the city pays \$11,000 and odd for repairs of stables? A. When?

Q. This year—in 1893, I should say. A. Eighteen hundred and ninety-three; no such amount has been expended this year.

Q. Let me call you attention to one or two items; I find in 1892 there were expended for horseshoes \$1,564.65, and in 1893, when you became commissioner, there were expended \$3,269.25 for horseshoes? A. Yes.

Q. Yes; who did the shoeing? A. Formerly, before 1892, the greater part of the horses were hired, and the horses were shod

by the persons who owned them; they were hired by the city, and paid so much a day; and in 1892 the city bought horses, and then the horses were shod by men in the stables.

Q. I find that in 1892, that there was expended for drugs \$847.46, and in 1893, when you came into the department, there was expended \$1,425.36 for drugs; why the increase? A. Because the horses were owned by the city and cared for by the city; and formerly they were hired; and if a horse was sick the man who owned it took care of it.

Q. If they were hired in 1892, how was it there was expended \$847.47? A. They were hired prior to 1892, prior to the enactment of the street cleaning law, which went into effect in May, 1892.

Q. I find an item, in 1892, for labor, sweeping snow and ice; and carts, \$5,345.38; in 1893, when you were in the department, the expense for that item, "Labor, sweeping snow and ice, carts, etc," amounted to \$27,791.50? A. I do not know where you are getting your figures from.

Q. I am getting them—I have them from the official records, and I would not dare to put a question there in front of all these items recorded here if my figures were not official records? A. Because the cost was greater than you said; the cost of removing snow and ice in the winter of 1892 and 1893 was about \$60,000.

Q. I did not say the cost of removing; I say the labor; you include the cost of carts and everything else? A. Oh, this is labor simply.

Q. Well, I find in 1892, the telephone charges for your department amounted to \$2,940; and in 1893, when you came into the department, the expense for the telephone charges was \$4,274.64? A. It is more than that now, sir.

Q. I have no doubt, commissioner, it will continue to increase? A. It will, if the telephone company continues to raise their prices.

Q. Yes; but they only charge \$20 a month? A. They charged \$240 a year, and they formerly charged \$150, wasn't it?

Q. But look here; they left the old instruments in and you have made application for nine new telephones at \$240 a telephone this year? A. Yes; I don't know the exact number we applied for.

Q. I know; nine. A. We have some 34 or 35 telephones, I know.

Q. At random I simply take these items; I find in 1892, there was expended for locks, bits, vise, wheels, spokes, fellies, bolts, tin pails, springs, gaspipe, etc., \$3,101.14; and in 1893, under your administration, there was expended for the same item, the same articles, \$6,344.64; can you explain the increase in the bolts and tin pails, etc.? A. Will you state that again, sir.

Q. In 1892, for locks, bits, vise, wheels, spokes, fellies, bolts, tin pails, springs, gaspipe, etc., there was expended the sum of \$3,101.14; and in 1893 there was expended for the same items \$6,344.64? A. Well, there was nothing of that, or very little if any expended under my direction in 1893; when I went into the department there was a deficiency of several thousand dollars, and I was obliged to reduce the expense, and nothing was bought in 1893 that was not absolutely necessary to get through with until the next year; now, in the present year in 1894, I have saved from \$10,000 to \$12,000 in the one item of shoeing horses; I have saved certainly \$15,000 in the item of feeding horses; I removed snow last winter for 57 1-2 cents per cart load, the average cost of which was 63 cents per cart load; and everything in the department of street cleaning has been done with the exception of taking scows to sea to be unloaded since we have stopped it at Riker's Island at less cost than before.

Q. Why did you stop the publication of your weekly statement in the City Record as required by law in the publication law; why did you stop publication of those weekly statements? A. I don't think weekly statements are required by law.

Q. You have stopped them? A. Yes.

Q. They had been published before? A. Yes, sir.

Q. What reason had you for your stopping the submission of your expenditures giving to the public a little knowledge of your department? A. We published quarterly reports.

Q. Why did you stop the weekly reports? A. Simply because the supervisor of the City Record called my attention to the fact that it made considerable expense for composition; they were putting in a large number of figures, and consulted the mayor, and concluded it was not necessary.

Q. Did you consult the corporation counsel? A. No, sir.

Q. He is the legal officer of the city government? A. Yes, sir; but the law says that such reports shall be published as the mayor directs.

Q. But the mayor had directed up to that time that they be



published once a week? A. I couldn't find any record of that.

Q. You found it to be a custom of the department when you went in there? A. Yes, sir; I think that was done when Mayor Hewitt was mayor; but I am not sure.

Q. You stopped those weekly statements a month after you went into office? A. I don't recollect the time.

By Chairman Lexow:

Q. Are the quarterly statements a lumping of various sums, or are they carried out in detail the same as weekly statements would be? A. Well, they are carried somewhat in detail.

Q. Are they carried out in the same detail that the weekly statements are carried out under the administration of Mayor Hewitt? A. No, sir; I think not.

By Mr. Goff:

Q. This has been a digression about these items of street cleaning department; it is a matter that would require probably a little more patience than we are able to give to it now, and a little more time; but I come back to the question of your borrowing that interesting \$1,000 from Mr. Plunkitt; what emergency arose in your private affairs that required you to borrow \$1,000 from Mr. Plunkitt? A. Well, sir, I had, some time prior to that, borrowed \$1,000 from another gentleman, and I wished to pay it

Q. Who was the other gentleman you borrowed the other \$1,000 from? A. Mr. Thomas J. Dunn.

Q. He is the gentleman who is known as the leader of a district up town? A. Yes, sir.

Q. A contractor? A. Yes sir.

Q. Were you commissioner of street cleaning when you borrowed \$1,000 from Mr. Dunn? A. Yes, sir.

Q. How did you get the money from Mr. Dunn—bills? A. No.

Q. By check? A. By check, I think.

Q. Where did you deposit it? A. I think that was deposited by Mr. Reis.

Q. Now you are sure that is a check from Mr. Dunn? A. Yes.

Q. Signed by him? A. Yes, sir.

Q. With his name on the face of the check? A. Yes, sir.

Q. Made to your order? A. Yes.

Q. For \$1,000? A. Yes, sir.

Q. How did you come to borrow the money from Mr. Dunn, a contractor? A. I wanted it to use.

Q. What was the sudden emergency that required you to use \$1,000? A. I needed the money.

Q. In your private affairs? A. Yes, sir.

Q. Was your salary not sufficient to support you? A. It was not sufficient for the purpose I needed that money for.

Q. Was it so sudden and unexpected that you were not able to meet it by your salary, was it? A. Yes, it was.

Q. What was the emergency? A. My only objection Mr. Goff, is in bringing the names of other persons into this proceeding.

Q. Well, we don't object to your bringing in the names of other people? A. You don't.

Q. No; we don't object? A. Some years ago I borrowed from Mr. Dayton, the present postmaster, several thousand dollars, and I had paid him from time to time the money that I borrowed from him, and I owed him about a thousand dollars, and he needed the money and asked me for it, if I could give it to him, and I said I would get it; I was very anxious to pay him, as I had owed it to him for some time, and I, therefore, borrowed it.

Q. Is that the reason why Mr. Dayton insisted that you should get charge of a department here in New York out of which you could make some money so you could pay him? A. Oh; no, sir.

Q. Had Mr. Dayton everything to do with recommending you for the position of street cleaning commissioner? A. Not to my knowledge. (

Q. Nothing to do? A. Not to my knowledge.

Q. Did you speak to him before your appointment? A. Yes, sir.

Q. Didn't you get him to interest himself and use all his political interest to secure it? A. No, sir.

Q. Will you swear you did not? A. I will, certainly.

Q. This matter was carried on between yourself and Mr. Dayton, was it not, with regard to getting this appointment for a street cleaning commissioner? A. No, sir.

Q. Did you talk with him about it? A. Never, until he spoke to me.

Q. Then you talked with him? A. Mr. Dayton told me one day that—

Q. Never mind; was it Mr. Dayton that first suggested to you the advisability of being street cleaning commissioner?

A. I never sought the appointment; no one ever advised me.

Q. What did Mr. Dayton say to you about it? A. He said that in a conversation with the mayor, the mayor had suggested to him the idea he had of appointing me to the position of commissioner of street cleaning, and Mr. Dayton asked me what I thought of it, and I said I would not accept it under any circumstances; I did not desire the place; that I would not accept it if it were offered me.

Q. Well, how long was that before the appointment was made? A. That was four or five months.

Q. Before the appointment was made? A. Yes.

Q. What intervened in the meantime to cause you to change your mind when you said you would not accept it under any circumstances? A. I was urged by the mayor to take the place; he said he desired to appoint me, and asked me if I would accept it; I told him no; I did not want the place, and preferred not to take it, and after some other conversation with him I consented, if a vacancy should occur and he desired to appoint me, then that I would accept the place.

Q. Then that is all that took place to change your expressed determination to not take it under any circumstances? A. It was the conversation with the mayor, and he said to me that he very much desired to have me accept the appointment.

Q. And it was simply in deference to the mayor's expressed desire that you overcame your repugnance to accept that public position? A. Yes, sir; wholly so.

Q. You were not in business at the time? A. I was president of the board of excise at that time.

Q. What was your salary in the excise board? A. Five thousand dollars.

Q. And your salary was the same in the street cleaning department? A. No; \$6,000.

Q. You say you borrowed money from Mr. Dunn to pay Mr. Dayton? A. Yes.

Q. What time was that? A. I do not recall the time; it was, I think, about a year ago; I can not recollect the date.

Q. Did Mr. Dayton have notes of your writing in his possession? A. Yes, sir.

Q. For the dates that you owe him? A. Yes, sir.

Q. Did he surrender any of those notes to you for your \$1,000? A. No; that is—no; he did not surrender the notes, but the note was for a larger amount.

Q. How did you pay Mr. Dayton that \$1,000 in checks or bills? A. In checks; that is my recollection.

Q. In your own check? A. Mr. Reis' check.

Q. You are sure about that? A. Yes, sir.

Q. Clear? A. Yes, sir.

Q. You directed Mr. Reis to draw a check to Mr. Dayton for \$1,000? A. No; I gave Mr. Reis Mr. Dunn's check and asked him to deposit it to his credit, and to give me his check, which he did, and I indorsed that over to Mr. Dayton for \$1,000.

Q. Did you give Dunn a note for the \$1,000 which you borrowed of him? A. No; I did not.

Q. When did you agree to pay him? A. I did not agree to pay him at any particular time.

Q. Did you pay him? A. I did pay him, certainly.

Q. When? A. I paid him by my check.

Q. When? A. At the time I borrowed the money from Mr. Plunkett; I borrowed the money from Mr. Plunkett for that purpose.

Q. How many months after you borrowed the money from Mr. Dunn did you borrow the money from Mr. Plunkett? A. I don't remember the date, but the deposit in the bank will show.

Q. Was it three months ago? A. Between two and three months ago.

Q. I mean from the first borrowing? A. Six months at least; I don't remember the exact time.

Q. You deposited the bills you got from Mr. Plunkett, you deposited them in the bank? A. Yes.

Q. In the Lincoln Bank? A. Yes, sir.

Q. And you drew against that immediately? A. Yes, sir.

Q. In whose favor did you draw the check that you drew for that \$1,000? A. In favor of Mr. Dunn.

Q. And that check has come back to you as a voucher? A. It is in the bank, I presume; I have not got it from the bank.

Q. It is in the bank? A. Yes, sir.

Q. Did you give Mr Plunkett any note? A. No.

Q. No promise of payment at any definite time? A. I told him I would pay him; yes.

Q. There is nothing in Mr. Plunkett's hands to show you owe him \$1,000? A. No; I think not; I did not give any.

Q. Had Mr. Plunkett anything to do with the street cleaning department? A. No.

Q. He is a dealer in stone? A. Yes, sir.

Q. You knew he had to do with the city departments? A. I understand he has contracts in the city; but I had no business dealings with him of any kind.

Q. Do you owe Mr. Plunkett any more money? A. No, sir.

Q. Did you deposit any more bills in the Lincoln Bank but that \$1,000? A. No, sir.

Q. You said a while ago you gave some to Reis—bills—to deposit? A. You asked me if I had given bills to deposit and I said I had.

Q. When did you give Reis bills? A. I can't tell the date.

Q. You swear you did give him bills in the past year? A. I recollect on one occasion I gave him some checks, and I wanted to make up the amount to draw against, and I gave him bills to make up the amount.

Q. Can you tell us the name of any person from whom you got bills that you gave to Reis to deposit for you? A. No, sir.

Q. How many judgments are there against you now unpaid? A. I don't — there are no judgments except those taken against me as trustee of the Star Printing Company.

Q. What about that judgment obtained against you by Mr. Platt? A. Mr. who?

Q. Mr. Platt; the one that you were in jail about? A. Oh, I know the matter now you refer to.

Q. Now you know the matter, yes? A. I did not hear of Mr. Platt in connection with that matter.

Q. He was the plaintiff; he was the assignee in bankruptcy; you know the plaintiff in the case, don't you? A. No.

Q. Did you know the furniture firm you were appointed receiver of? A. I know all about that; I didn't know that any judgment was taken against me in that matter.

Q. What were you put in Raymond street jail for? A. For contempt of court.

Q. For not paying the money that went into your hands as receiver? A. No, I paid out all the money in my hands as

receiver; I paid out on the order of the Supreme Court; I never paid a dollar except by order and direction of the court.

Q. That is a matter of argument; I am asking you if you were not put in and confined in the Raymond street jail in Brooklyn because of your contempt of court in refusing to pay over the money that had gone into your hands as receiver of a furniture firm? A. I was arrested for contempt of court, because I —

Q. I call you to stop, please; is that true or not true, the question I have asked you? A. It is not true the way you state it.

Q. It is true you were in the Raymond street jail? A. No, I was arrested in New York.

Q. It is true you were in the Raymond street jail? A. No, sir.

Q. Were you ever in the Raymond street jail in Brooklyn? A. No, sir.

Q. Where were you? A. In Ludlow street jail.

Q. The action was in Brooklyn? A. It was in the Supreme Court in Brooklyn.

Q. And the order of the court was signed by Judge Gilbert wasn't it, directing you to be arrested? A. I think not; my recollection is signed by Judge Barnard.

Q. It was Judge Brady appointed you receiver? A. The order releasing me was signed by Judge Gilbert.

Q. Do you remember Charley Bangs, the attorney who had charge of the proceedings against you? A. Yes.

Q. Do you remember Mr. North, of the firm of Banks & North? A. Yes, sir.

Q. Do you remember Fred Bangs, that is dead, the lawyer of the same firm? A. I remember the Bangs that was the head of that firm.

Q. I remember Charley, the brother that prosecuted you in that action; do you remember that? A. No, I don't remember the first one; I remember one Bangs, the head of the firm.

Q. How long did you remain in Ludlow street jail? A. About three weeks, I think.

Q. And do you remember making an agreement to get out of jail, and making a promise; do you remember making a promise the time you were released from jail; don't watch me; answer my question? A. No; don't recollect; no, sir.

Q. Didn't you make a promise in writing, subscribed by you, to pay the money that you were ordered under arrest for, in order to get out? A. No; I made a promise to pay a portion of it.

Q. A portion of it? A. Yes.

Q. You were held for \$3,000? A. That I had always offered to pay.

Q. You were held for \$3,000 odd in round numbers? A. Yes, sir.

Q. And you agreed to pay \$1,400 odd? A. I do not think I did.

Q. What amount did you agree to pay? A. I don't recollect the figures.

Q. It was \$1,400 odd? A. It is twenty odd years; I do not remember the figures.

Q. I know; but in the life of a public man it is only as yesterday; didn't you promise Mr. Bangs, and a clerk in their office at that time, Mr. Thayer, a lawyer in Wall street, if you got out of jail you would go back to your profession as actor? A. No, sir.

Q. Did you ever promise to go back on the stage? A. No, sir.

Q. Do you mean to say you did not stipulate in that jail that you would go back and earn the money and pay it? A. I do most absolutely.

Q. Did you ever pay that money? A. I paid all that remained in my hand.

Q. Did you pay all the order of the court directed you to be arrested for nonpayment of? A. I paid all that it required me to pay; yes, sir.

Q. To whom? A. To the attorneys in the case.

Q. What attorneys? A. I think it was Bangs; I am not sure.

Q. Do you swear you paid Mr. Bangs the money that you were directed to pay by order of the court? A. By the order releasing me; yes.

Q. Will you swear that you paid to Mr. Bangs all the money that was decreed by the court when you left the prison? A. By which judge?

Q. I am talking about the Supreme Court; never mind which judge? A. I paid out every dollar by order of the court.

Q. As matter of fact, you are a defaulting receiver to-day? A. No, sir; I am not.

Q. And you have been appointed receiver by the court since that time, haven't you? A. I am not a defaulting receiver.

Q. You have been appointed receiver by the court since that time, haven't you? A. Yes, sir.

Q. And referee? A. Yes, sir.

Q. And what judge appointed you receiver here in New York since that transaction? A. Judge Truax.

Q. Judge Truax defended you at the time you were arrested and put in the Ludlow street jail, he and his partner? A. Judge Truax was my attorney at that time.

Q. And you put forth as your defense that you were advised by your attorneys that you had a right to keep this money? A. No, sir; I put forth as part of my defense that I had paid it out by order of the court, and I was ordered by another judge, although I had already paid; and my defense was I had paid by order of the court.

Q. How many times had you been appointed receiver since that transaction? A. Only once.

Q. In what case? A. I don't remember the title of the case now.

Q. Did you pay all the money that went into your hands in that case? A. Yes, sir.

Q. To whom? A. I am still receiver in that case.

Q. You have not paid yet; how long ago was you appointed receiver? A. Some six or eight months—some eight or 10 months perhaps.

Q. Have you ever paid old Alexander Toplanyi the money you cheated him out of? A. He never sued me for it.

Q. An action has been brought in the name of his daughter; didn't he, when he was alive, demand the pension you got for him? A. No, sir; Toplanyi, when he died, owed me \$211 more than I ever received from him.

Q. And the matter of fact is that you acted as his pension attorney at that time? A. Yes, sir.

Q. And you kept his money and doled it out to him as you thought proper? A. According as he wanted it; yes, sir.

Q. And then when he came to ask you for it you presented counter-claims against him; isn't that the fact? A. No, sir.

Q. Did you ever, before he made a demand upon you, did you ever present bills to him for moneys paid out on his account? A. No, sir; at the time he got his pension an accounting was had between us of the amount he owed me.

Q. You knew that soldier during the war? A. Yes.



Q. He was a captain? A. Yes.

Q. And he trusted you to get his pension? A. Yes, sir; I took care of him and supported him two or three years before he got it.

Q. By the way, isn't that the button of the Loyal Legion you have there? A. Yes, sir.

Mr. Goff.— Mr. Chairman, I think we will adjourn now.

Chairman Lexow.— Do you desire the commissioner to present himself to-morrow.

Mr. Goff.— We have got some witnesses we have had here two days, and we will say to the commissioner we will not call for him unless we send for him to-morrow.

Chairman Lexow.— All witnesses subpoenaed for to-day will attend to-morrow at half-past 10 o'clock. The committee will stand adjourned until that time.

Proceedings of the sixty-first session, December 5, 1894, at 10:30 a. m.

Present.— Senators Clarence Lexow, Daniel Bradley, Edmund O'Connor, Cuthbert W. Pound, Jacob A. Cantor and George W. Robertson. John W. Goff, Frank Moss, of counsel for the committee.

Frank Angelo, called as a witness on behalf of the State, being duly sworn, testified as follows :

Examination by Mr. Moss :

Q. You reside at 151 Bleecker street? A. Yes, sir.

Q. We have been somewhat interested in a policeman by the name of Zimmerman, whose name has appeared before us in testimony given by Mrs. Hermann— have you had any experience with Mr. Zimmerman? A. Yes, sir.

Q. When was it? A. It was about 14 months ago.

Q. What did he do to you? A. Well, there was a fight in the hallway and I was between to stop it; I saw the cop come in and he knocked me down with a club and broke my eye.

Q. There was a fight in the hallway? A. Yes, sir.

Q. And you stepped in as a peacemaker to separate the fighters? A. Yes, sir.

Q. And Zimmerman rushed in and struck you with his club and knocked your eye out? A. Yes, sir.

Q. You have what looks like a glass eye now? A. Yes, sir.

Q. Did you ever make a complaint against Zimmerman for that? A. I want to make a complaint and I want to sue him for it.

Q. You want to make a complaint now? A. Yes, sir.

Q. You have never made it before? A. No, sir.

By Chairman Lexow :

Q. You have got a glass eye now? A. Yes, sir.

By Senator Bradley :

Q. You never reported this affair to the commissioners or to the captain? A. No.

Q. And you say this took place 14 months ago? A. Yes, sir.

By Mr. Moss :

Q. Where did this happen? A. One hundred and fifty-one Bleecker street.

By Chairman Lexow :

Q. You have not come here to get redress, have you, you have not come here to make a complaint? A. Yes, I want to make a complaint; I was up to Dr. Parkhurt and he sent me to Mr. Moss.

Q. Why have you not brought an action for damages; why have you not sued Zimmerman? A. I want to sue him.

Q. Why have you not done so; the time has elapsed, 14 months ago? A. That I don't know anything about.

By Senator Pound :

Q. Did Zimmerman arrest you at the time? A. Yes, sir.

Q. What was the result of the arrest; were you tried? A. Yes, sir; at Jefferson Market Court.

Q. What happened? A. The judge never asked my name at all; he said, I will give you a discharge.

By Senator Bradley:

Q. You say the judge never asked you your name in Jefferson Market? A. No, sir; never.

Q. How long have you lived in New York city? A. About 12 years.

Q. What was your idea in not making a complaint against this man; did you imagine that there was no justice in New York? A. Yes, sir.

By Mr. Moss:

Q. You didn't think it was of any use? A. No.

By Chairman Lexow:

Q. What was your appearance when you were arraigned before the judge, was your eye out? A. Yes, my eye was out, and my eye was bandaged around, and he looked at me and said: "Well, I will give you your discharge."

Q. Did you tell the judge what happened? A. The judge never asked me no questions.

Q. How did Zimmerman knock your eye out? A. I was between the fight; I went to make the other fellow stop.

Q. Was it with his finger or club, or how? A. With his club.

By Senator Pound:

Q. And he destroyed the eye? A. Yes, sir.

By Chairman Lexow:

Q. Did your eye come out there and then; when Zimmerman arrested you did your eye come out? A. Yes, my eye was hanging out right here (illustrating.)

By Senator Bradley:

Q. Then you had to get a glass eye? A. Yes.

Q. I thought it was your glass eye he knocked out? A. No.

By Chairman Lexow:

Q. Have you never brought suit against any one in this city? A. No, sir.

Q. Have you never been in a court beyond the one you have mentioned? A. No.

Q. Have you never had a lawyer? A. Yes, I had a lawyer in that case.

Q. You had a lawyer then? A. Yes.

Q. Now, didn't your lawyer advise you to prosecute? A. The lawyer asked money off me and he charged \$75, and he said he will have to pay \$25 to give to the policemen; I said, what for; he said if you don't give some money to the policemen you will be locked up.

Q. Was that before you were discharged or afterwards? A. It was before.

Q. And you gave your lawyer \$75 you say? A. Yes, sir.

Q. And he said \$25 of that would have to be paid to the policemen or you would be locked up? A. Yes, sir.

By Senator Pound :

Q. What is your lawyer's name? A. I haven't got it in my pocket, but I can bring it down.

Q. You don't remember his name? A. No.

By Mr. Moss :

Q. Where was his office? A. Pretty near the post-office.

Q. Can you give us the date exactly, you have said 14 months ago? A. The 20th day of August, it was one year ago.

Chairman Lexow.—You do not claim that the police commissioners or anybody else is chargeable in a case of this kind where a man sleeps on his rights and allows another man to club out his eye, maltreat him and does nothing.

Mr. Moss.—The commissioners are responsible for allowing such a condition of affairs to exist, where a man finds and believes he has no rights; that is the condition we have shown over and over again, and it is interesting as illuminating the character of this man who has already been characterized by Mrs. Hermann.

By Chairman Lexow :

Q. Did anybody in the police court tell you that you had better not bring a suit, that you would have no chance of success?

A. No, sir, nobody told me anything; about a month and a half ago I was snooked to by a friend of mine, and he said you

are a foolish man, why don't you go up and sue them; that is why I was up at Mr. Moss' office.

Q. Why did your lawyer not bring a suit for you? A. I don't know anything about the lawyer.

Mr. Moss.—His lawyer was in league with the police.

By Mr. Moss :

Q. Did you see the lawyer give the policeman any money?

A. Yes, he was giving him money.

Q. Did you see him? A. Yes.

Q. Did you see him give the \$25? A. I don't know how much he was giving; he was asking me for \$25 to give to the policemen, but I don't know how much he gave to him.

Q. You saw him hand some money to this policeman, Zimmerman? A. Yes; besides he was coming up to my house and wanted some more.

Q. Now, will you go from here to that lawyer's office and see if you can find him and come back and tell us his name? A. I got his name up in my house.

Q. Will you go up and get that now? A. Yes, sir.

Q. Go up and get it and come back again.

Frank Kammitter, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. You keep a saloon at 231 Park Row? A. Yes, sir.

Q. You have brought your license here? A. Yes, sir.

Q. When did you get this license? A. I couldn't remember what date.

Q. It is dated 30th of April, 1894, is that right? A. Yes, sir.

Q. Did you have a license before? A. No, my uncle got the place, I bought him out—Adam Kammitter.

Q. And your saloon, prior to this time was run under the name of Adam Kammitter? A. I got that new license, it cost me \$20 extra to get a new license; when my uncle died, the license expired, I had to go to the board of excise to get a new license, and that cost \$20; when the old license expired, then I made an application and got a new license in my own name.

Q. When did your uncle die? A. My uncle died, July 17, 1893.

Q. Did you make application at once for a new license? A. I inquired about it, I was told by the brewer, by the attorney,

that I couldn't get a full license; the license was turned over to me; it cost me for transferring my uncle's license \$20.

Q. That was this license? A. No, the old license.

Q. Were you not running the saloon from the time of your uncle's death until the 30th of April, 1894, upon his old license? A. Yes, sir; and it was transferred over to me and I paid \$20 for it.

Q. When was it transferred to you? A. Shortly after my uncle died.

Q. How shortly after? A. I couldn't remember that; I've got the old license home.

Q. We would like to have that old license; who told you that you could do business under your uncle's license? A. I didn't do no business.

Q. Who told you; you told me a little while ago some one said you could do business under his license without a transfer? A. The widow had the place three months after uncle's death; as soon as I came in possession I made application—October 25.

Q. The widow ran it for three months after his death? A. Yes, sir.

Q. Then you say you bought it? A. Yes, sir.

Q. Then you made an application for the transfer? A. Yes, sir.

Q. A moment ago you said you had it transferred right away, or very shortly after your uncle's death? A. That was a mistake.

Q. Who told the widow that she could run it for three months upon the old license? A. That I don't know.

Q. Who told you that you did not need a transfer? A. I got a transfer; I have the transfer.

Q. What was it that you said a few minutes ago that some attorney had told you that you did not need a transfer—who was the attorney you had in mind? A. I had no attorney.

Q. You said the brewer's attorney? A. That is Mr. Seller.

Q. Seller? A. Yes, sir.

Q. Where is his office? A. He is in the Potter Building, or in the Times Building.

Q. Do you really own this saloon, Mr. Kammitter? A. Well, I got a mortgage in my own name up to \$5,000.

Q. A mortgage for \$5,000—who holds the mortgage? A. George Ringler & Company.

Q. The brewer holds a mortgage of \$5,000? A. He did; I

paid some off; I have to buy all the beer; I made an agreement; I get a percentage and I work hard and try to get along the best way I know how.

Q. You got the \$5,000 mortgage to pay, who? A. To pay the widow for the place.

Q. Did you pay the widow \$5,000? A. Six thousand dollars; I have got a bill of sale for that.

Q. Was there not a mortgage upon the place when she had it? A. No, sir.

Q. You are obliged to buy your beer from the Ringler Company now? A. Yes, sir.

Q. You can not buy from anyone else, can you? A. No, sir.

Q. Do you know any other saloons upon which the Ringler Company has mortgages? A. I don't know.

Q. You are really an agent for the Ringler Company there, are you not? A. Well, no, it is in my own name.

Q. It is in your own name? A. I paid \$1,000 on the place myself.

Q. But you are really their agent, are you not? A. No, I am not.

Q. Did you not just say so to me before you went on the stand? A. I am not a counsel, I don't understand; I am no counsel, you know.

Q. But in your own way you are simply an agent of that place? A. I don't know what I am there.

Q. You do not? A. No.

Q. The Ringler Company get the larger part of what you take in there? A. Most undoubtedly; they are entitled to that.

Q. You get a very small percentage and have to work very hard for it? A. I don't know, I get a good percentage, they use me nice; after two or three years I get the place free and clear, work it off.

Q. Who is on your bond? A. Charley Marshky; he owns 47 New Bowery, New York.

Q. Did you get Mr. Marshky? A. Yes, sir.

Q. Who else is on your bond? A. John Benning.

Q. Where does he keep? A. He keeps a carpenter shop.

Q. Did you know him well? A. Yes, sir.

Q. Did you get him? A. Yes, sir.

Q. Did you go with him to the board of excise? A. Yes, sir.

Q. Do you have visits from excise inspectors? A. Yes, sir.

Q. How much have you paid the excise inspectors? A. Nothing.

Q. You have had visits from other people, have you not there, looking after your license? A. No, sir.

Q. Never had policemen come in? A. No, sir.

Q. On the 23d of last September, between the hours of 8 and 10 I want you to tell me what happened in your saloon? A. Not to my knowledge that I know; I don't keep the saloon open Sundays; I have all my doors closed; I don't do business on Sunday.

Q. Never do any business on Sunday? A. No, sir.

Q. Never did in your life? A. No, sir.

Q. You mean to say that you run a saloon at 231 Park Row and are not open on Sunday? A. I keep regular hours.

Q. Never open on Sunday there? A. No, sir.

Q. Who came into your saloon, whether you were open or not, on the 23d of September between 8 and 10 o'clock? A. I don't know; I couldn't tell you.

Q. Officer Looney, will you stand up? (Officer Looney standing up) Look at that man there, did you ever see him before? A. No, sir.

Q. What? A. No, sir; I never seen the man.

Q. Did that man ever put his hand on you? A. No, sir.

Q. Was he in uniform? A. I never seen that man before.

Q. Is Officer Malloy, Bernard J. Malloy here (no answer); Officer Griffin (Officer Griffin standing up; now look at Mr. Griffin, did you ever see him before? A. No, sir.

Q. Mr. Kammitter, on the 23d of September this year, between 8 and 10 o'clock, those two officers went into your place—now do you deny it? A. Well, I am not aware of it, I can't tell. I don't see the men before.

Q. Did you ever see them in your saloon? A. No, not to my knowledge.

By Chairman Lexow:

Q. Were you in the saloon at that time? A. I couldn't tell you.

Q. Just name the time you were in your saloon on the 23d of September? A. I can't remember whether I was there or not; I make my receipts in my store Sunday; I have big receipts, and come up there to make my private account, and there is nobody in the place except myself and a few friends of mine; I always make my accounts; I have a good many expenses, and Sunday is the only time I have to make up my accounts.

Q. You do not mean to swear that these two officers were



not in your store at 10 o'clock that day? A. Not to my knowledge.

Q. You do not swear that they were not there, do you? A. I haven't seen them.

Q. Do you know whether they were there or not? A. I can not possibly say that.

Q. You simply do not know anything about it; they may have been there for all you know, is that so? A. I couldn't tell, I don't know.

Q. They may have been there for all you know, may they or not? A. I can not swear to that.

By Senator Bradley:

Q. You have got a bartender? A. Bartender is off Sundays; we have got no bartender, I am the only man home on Sunday to take care of the house; there were burglars in the house once and I go and look to see that everything is locked up.

By Chairman Lexow:

Q. You were the only man on those premises on that occasion, is that so or not? A. I can't remember that so long; I have got a poor memory.

Q. You say you are the only man in that store on Sunday, is that so or not? A. I can not surely remember; I am the only man — friends of mine in there with me, you know.

By Mr. Moss:

Q. Now I will ask you if you know Officer Masterson and Kehoe? A. I know Kehoe; yes.

Q. Do you know Masterson? A. No; I do not.

Q. Masterson and Kehoe went into your saloon that day, did they not? A. Not to my knowledge.

Q. Did you hear that they did? A. I don't know; I didn't see them.

Q. Did you hear that they did? A. I couldn't remember that.

Q. Did you hear that these two men went into your saloon at all, Masterson and Kehoe? A. I didn't see them.

Q. Did you hear that they did? A. Hear from who?

By Senator Bradley:

Q. Did any one tell you that they were there? A. No; I didn't hear it.

By Mr. Moss:

Q. No information at all that these two officers went into your saloon.

Chairman Lexow.—You understand that if you swear to anything false here you are subject to the fines and penalties of perjury, do you not?

The Witness.—Yes, I understand; I am no counsel; I am a hard working man.

By Chairman Lexow:

Q You must know whether any of these men appeared on a certain day? A. I am not aware of it.

Q. Nobody, except yourself would know anything about it, would they; you are the only man who could say whether they were there or not, is that not so? A. Do you mean to say —

Q. I mean to say that there is no other person on those premises on a Sunday, except yourself, who would know about the visits of these policemen? A. There is a man living upstairs.

Q. In your saloon? A. He is up and down sometime.

Q. In your saloon? A. He lives in Brooklyn, though; he was not there that day.

Q. Then you were the only person, were you not? A. I can not positively say.

Q. You don't want to, do you? A. Yes, certainly; what for?

By Mr. Moss:

Q. Did not Officers Masterson and Kehoe arrest you upon the 23d of September, and if they did not take you out of your saloon, did they not come in there and arrest you? A. Not to my knowledge.

Q. Not to your knowledge? A. No.

Q. Did they come in there and arrest you? A. No, I haven't seen them.

Q. You never saw Officer Kehoe, did you? A. I saw him, yes.

Q. He was in your saloon? A. Not in my place, no.

Q Never in your place? A. No, not that day, not Sunday in my place.

Q. He went into your saloon on a day and arrested you? A. I guess not, no; I can swear that he was not in my place.

Q. The Officers Masterson and Kehoe arrested you on that day, took you into a closet and demanded something from you—one of them took you into a closet? A. Took me in a closet?

Q. Yes; how do I know that? A. Allow me, counsel, people

knows more about my business than myself; I get along nicely; I work 18 and 21 hours a day and people don't like to see me get along; these people come around and try to make me say something against the police department; I am under no obligation to the police.

Q. State who the man is that came to your place and asked you to appear against the police? A. Nobody; it looks that way.

Q. What do you say so for? A. I don't know; it looks that way.

Q. Do you not know whether any one speaks to you or not; now, there is no need of your getting so excited and worried about this thing.

Chairman Lexow.—I think there is every reason to get worried about it, because he seems to be perjuring himself on the stand here. We want to protect you from these blackmailing influences if we can, but if we can not get the truth we can not protect you.

Senator Bradley.—How can you expect a man to give you an intelligent answer who works 21 hours a day; that only gives him three hours for rest.

Q. Is that the reason you do not answer more intelligently? A. I am working hard for my living and I am under no obligations to the police.

Q. Officers Masterson and Kehoe entered your saloon on the 23d of September, and Masterson took you into a closet and demanded \$20 from you, is that not so? A. Not that I know.

Q. Not that you know? A. Yes, sir.

By Chairman Lexow:

Q. Will you swear it is not so? A. I have no money to give away.

Q. Will you swear it is not so; will you swear that this officer, Masterson, did not ask you for \$20 in a closet in your saloon? A. I don't know Masterson.

Q. Will you swear that a police officer did not ask you for \$20 that day in your saloon—that is a fact, is it not? A. That is not a fact.

Q. You swear it is not a fact, do you? A. Not to my knowledge; I got a poor memory and I—

By Senator Bradley:

Q. Answer the question, yes or no? A. I can not remember.

By Chairman Lexow:

Q. You must remember whether or not a man demanded \$20 from you on an occasion of that kind; do you want to put yourself on record here as saying no or yes to that question?

A. I got a poor memory, I can not remember it — see; that is all; I can't remember.

By Mr. Moss:

Q. What did he ask you for, according to your best memory, that man, any man, that man, what did he ask you for? A. I couldn't remember what he asked me for.

Q. You can not remember what he asked you for; well, what was it about? A. I haven't seen anybody.

Q. Did you not see this man that was with Officer Kehoe and give Mr. Kehoe some of that money? A. I haven't seen Mr. Kehoe at all.

Q. Never seen Mr. Kehoe? A. I have seen Mr. Kehoe, eight years on the beat, on the sidewalk.

Q. Did you see Mr. Kehoe give any officer some money on that day? A. I tell you I haven't seen Mr. Kehoe at all.

Q. What was the name of the officer that went into your saloon upon that day? A. I haven't seen no officer to my knowledge.

Q. What are the names of the officers on the beat? A. I couldn't remember; I have nothing to do with the policemen; I am under no obligation to the police department at all; I keep a decent house, allow no drunks or disorderlies in my house.

Q. Have you ever been arrested for violating the Excise Law? A. No, sir.

Q. Never been arrested? A. No, sir.

Q. Never saw a policeman in your place? A. No, sir.

Q. Never paid anything to the police? A. No, sir.

By Senator Bradley:

Q. You just said a minute ago that you knew Officer Kehoe to be on the beat for eight years? A. So I do.

Q. Your answer to the counsel right after that was that you did not know any of the police at all; answer the questions fairly.

By Mr Moss :

Q. What was it you said about paying in former times? A. I didn't say anything about it

Q. What was it you said about former times? A. I only had the place one year.

Q. Ever been in the saloon before? A. Worked in the same place for my uncle.

Q Did you ever see any policemen in the place then? A. No.

Q. Never saw a policeman in the saloon in your life? A. They never bothered with the place, always keep a decent house.

Q. Never came to see what you were doing? A. No, no occasion for it, my uncle was very strict.

Q. Was there any money paid in your uncle's time? A. For what?

Q. Any money paid to the police? A. For what?

Q. Was there any money paid to the police in your uncle's time? A. Not to my knowledge, no.

Chairman Lexow.— We are not trying to prove here that you kept a bad house, or an indecent house. We assume you kept a good house. Merchants in this city that had good and legitimate businesses were blackmailed, and we are trying to find out whether you were blackmailed. Now, answer up like a man.

Q. Are you content to rest upon the denial that you did not see Officer Kehoe in your saloon and did not pay him any money, no matter what proof we may produce; are you going off that way, I give you your last chance? A. Yes, sir.

Mr. Moss.— Then you may go.

Rebecca Fream, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Moss:

Q. Where do you live? A. Thirty-three Cannon street.

Q. You are a missionary worker, are you not? A. I am.

Q. You have had a good deal to do with the people living in your section of the city? A. Yes.

Q. Do you know what a police court is when you get into it?  
A. Yes, sir.

Q. And a police justice? A. Yes sir.

Q. You have had something to do with Justice Feitner lately?  
A. Yes sir.

Q. What was the case that took you there before him? A. On Sunday morning I was coming home from church at half-past 12.

Q. What Sunday was that? A. It was two weeks ago last Sunday, whatever date that was

Q. Two weeks ago last Sunday? A. Yes, sir; and it was just at half-past 12, and the neighborhood was in a filthy condition and all the stores open and doing a flourishing business.

Q. You say all the stores; do you mean grocers and butchers?  
A. Grocers and other stores, dry goods stores, and the streets were full of wagons and push carts.

Q. What streets did you notice? A. Stanton street and Ridge street.

Q. And push carts in the streets? A. Push carts of all descriptions; and there was one liquor saloon on the corner of Ridge and Stanton that I have known to be opened for the past three years, and have called the attention of others to it, but thought there was no use of interfering; as I passed the corner of Ridge and Stanton I saw a policeman standing there so drunk that he could hardly stand on his feet; I was in considerable of a hurry, but I passed to the other corner, and the question came to me, What better are you than they if you pass by and don't heed it; I stood there for fully 10 minutes by my watch, and finally the officer caught sight of me; he was talking to three of the filthiest specimens of humanity that you could find; he caught sight of me, and instantly I could see that he was confused; after standing there 10 minutes I walked over to the policeman and I said, "What is the law regarding the closing of stores on Sunday;" he said, "Yes; I have just been around and told them all to close up," but, he says, "They don't seem to do it;" I said, "For what do the people of New York pay you if not to make them close up;" I said, "You see that liquor saloon over here; I had been watching people going in and out there for the last 10 minutes; scores had gone in and out; you know it is open," I said, "Is it the same with you as the rest, you can not get evidence;" and I took him by the sleeve and I said I will take you in; and I walked him across the street; and the door was about three

inches open; and when the man saw me, he was coming toward the door; and when he saw me he put his foot to the door to try and close it; and I put my foot between the door and my shoulder to the door and I pushed; and the other man pushed; and finally I said to the officer, "Put your shoulder to that door and open it;" and he did; and we went in; and there were three large schooners of beer on the counter; two that the men had just drained; and there were two other men in the place; the two that had drained their glasses left the counter; and the other three picked up the schooners and drank part of it; I said to the officer that stood there and never attempted to do anything, I said, "Judge Hogan wants evidence in these cases; there is your evidence, three full schooners of beer; two that have just been drained; and seven men in the place; and the business going on besides; selling cigars; and scores that had gone in and out;" I said, "Do you see;" he said "Yes, I see;" I said, "Don't forget it, there are three schooners full of beer, don't forget it;" he turned to the man and said, "Are you the proprietor of the place;" I said, "It don't make any difference whether he is the proprietor of the place or not, he is the man that has caused that to be sold and has received the money for it;" and with that the men picked up the schooners and drained them and went away; I said, "There are seven men in the house, don't forget it when you get to the station-house;" he said to the man, "Come, you will have to go with me;" the man went and shut up the money drawer, and did a lot of chores, twirled his mustache, turned up his pants, brushed them and kept me waiting about 10 minutes; and then we went to the station-house; the sergeant asked him several questions, and said, "Who is the complainant in this case;" and the officer said, "that woman;" "You had better act as the complainant," he said, "And use her as a witness;" then, after a while, I was told I could go now, that I would be expected to appear in Essex Market Court in the morning; I went there, and the officer same and told me I would have to go up before the clerk; I went up to the clerk and he said to the officer, "Who is the complainant in this case;" and the officer said, "That woman;" and he put the paper up to his face and said, "You had better act as a complainant and use her as a witness;" then I stood down at the side and with the man that was arrested came to me and he said, "You go to press that charge against me;" I said, "What do you suppose I did it for,

do you suppose I have got nothing to do on Sunday to see such work and do nothing;" he said, "What do you want to press that charge against me for, that don't do you no good, you only get me in trouble;" I said, "What are the laws of our land for and so much expense by the city to start a thing and let it go; you knew when you broke the law you ought to be held for it, and I intend to press the charge;" so the case came up before Judge Feitner, and before he asked me a question, or even looked at me, said to the clerk, "Put the complainant on the stand;" he said, "Clerk, we will just make this an exposure."

Q. That is an exposure of what? A. He simply said, "We will make this an exposure;" I was sworn, and so on, and he says what did I see; I told him all that I had seen, and he said, "But you didn't see it paid for;" "No," I said, "I didn't see the money handed for it;" I told him just what I have told you, and instantly—well, he fired into me; that is the word that would express it.

Q. What did he say to you? A. He said, "You said a minute ago that all of the stores in the neighborhood were open;" I said, "Yes," "Well," he said, "Yet you just pick out this one;" I said, "I couldn't take two at a time;" he said, "Why did you take this one and not the other;" I said, "I have always my reasons for what I do, and I have my reasons in this case;" he said, "Humph;" I said, "Shall I state my reasons;" he said, "Yes;" I said, "The other stores were selling dry goods, pot cheese, coal and wood and so on, and the people that bought those things could not be arrested for buying them or using them; so if they were brought before you, you couldn't send them on the island for it; but this man that sold the liquor, if any man went in and drank the liquor and broke the law and tried before you, you would hold them and send them on the island; these five men went in there and drank some beer; if a man went in there and drank beer and came out and sat down and went to sleep the cop would come along and run him in for the purpose of saving the saloon-keeper; now it seems to me that the man that breaks the law first is the man that should be taken first; that is why I took the saloon-keeper;" he said, "I can't make an excise violation out of it; I might be able to make a Sunday selling out of it;" I said, "How could you make a Sunday selling out of it, if anything was sold, it was beer, I don't claim anything else, and if there was not beer sold, there was nothing sold;" he said, "I don't say I won't take your complaint;" "No," I said, "But



you are trying mighty hard not to; "Well," he said, "Go and sit down outside awhile and I will think it over, may be I can make a Sunday selling out of it;" he said, "I will look it up;" I said, "What do you get your \$8,000 a year for if you don't know the first principles for what you were engaged;" he said, "Now, you go and sit down and I will look it up;" after I sat down, after had been abused by one or two of the reporters in the court, an officer came to me in the court and said, "Judge Feitner said if you will allow him to take that complaint as a Sunday selling, he will take the complaint;" I said, "It is a violation of the Excise Law, if he will take that he may take it, if not he will take nothing;" and after sitting about an hour and a half, I was in the reporters' room, I went into the courtroom, and after I had been in the room about 15 of 20 minutes again, I was called to the stand; he said, "I find that I can not make an excise violation out of that, but I will try and make a Sunday selling out of it;" I said, "It is an excise violation or it is nothing;" he said, "Well, then I can't take the complaint;" I said, "Very well then, since you have said you would make a Sunday selling out of it I would like to see how you will work it, we will make a Sunday selling out of it" "I don't know," he said, "Come to thing," and worked around for a while, and finally said, "I wish you well in the work your are trying to do;" I said, "I am sorry to have to doubt your word, but after I pour one glass out of the jug, I know pretty well what is in the jug, I have applied to you before and I know what to expect of you;" he said, "I never saw you before;" I said, "I was here before and a woman came here and asked for a warrant, whose life has been threatened, and you told her to go home and come back in two weeks after and you would see what you could do for her;" I said, "After you refused her one, I wanted another one from the same standpoint."

Q. When was that? A. That was in June; I said, "I asked you for a warrant, and you told me to go home with her and wait two weeks and then come back and you would see what you could do;" he said, "I never saw you before, I don't know anything about it;" I said, "The same case came up under Judge Simms, and the complainant was in court with four respectable citizens, against whom no charge could be made, and one of the dummies standing around, that is in this court, came to her house the night before and tried to fix the

case and came up the next morning and told Judge Sinms what to do," and I pointed to the man in the court that came to the house and did it.

Q. These things you told Judge Feitner that actually did occur? A. Yes; he said, "You are making very unjust charges;" I said, "All the same I can back all I have stated," and he says, "Well, I would like to help you if I can;" "I am sorry," I said, "To doubt your word, but if you wanted to help me you would do what the people of New York paid you \$8,000 for doing, and you are determined not to do it;" then he sent me down to the clerk, and the clerk took the complaint, and he said, "You had better make this a little more pointed;" he said, "You see this is very weak," and then he took and tore it up and wrote another one; he said, "Judge Feitner has told to me before you know that the Excise Law gives them the right to sell ginger ale in the store, how do you know it was not ginger ale;" I said, "Because I know it;" he said, "Would you be willing to swear it;" I said, "Yes; I would be willing to stake my life on it, you know it as well as I do;" the clerk made out the second complaint and I went back again and he began again, and after we had had a set-to he took the paper and crumbled it and said, "You won't make much out of it," and I started off the stand and he abused me until I got out of the door; when the door closed on its hinges he was still talking and throwing slurs at me.

Q. Judge Feitner was? A. Yes.

Q. Nothing came out of the case? A. He was held for General Sessions.

By Senator O'Connor:

Q. Was it the policeman whom you saw standing on the corner so drunk that he could scarcely stand, the same man you took over? A. Yes, sir.

Q. He went to the station-house with you? A. Yes, sir.

Q. And you still say he was intoxicated? A. Yes, sir.

Q. Was he able to walk straight? A. He walked after he saw me; he straightened himself a little bit.

Q. You kind of sobered him? A. It kind of put him on his guard.

Q. Would you know that officer if you saw him? A. Yes; I have seen him time and time so full that he could hardly stand on the street, and lots of others of them.

By Mr. Moss:

Q. It was only after great diligence that you succeeded in getting Judge Feitner to hold the prisoner? A. Yes; after being abused by the judge himself, as well as by the court officers around, and called by the reporters — Silver Dollar's son-in-law for one.

Q. You went there in June to get a warrant with some friend of yours? A. Against a neighbor in the house.

Q. This neighbor had been making threats on the lives of some of the tenants there? A. Yes, upon my own as well.

Q. And Judge Feitner was the same judge upon the bench? A. Yes.

Q. And then you say he told you to come around in two weeks? A. Yes, and he would see what he could do for me, and I said, "Must we stand this for two weeks longer, we have stood it for four months;" he said, "I told you to come around in two weeks with that other woman;" I said, "Will the court hold itself responsible if there is any bloodshed or assaults made, or murder committed," and with that he had his hand upon the back of the chair, and turned and said, "The court is supposed to hold itself responsible for any breach of the peace;" "very well," I said, "I suppose we must bow to the powers that be."

Q. In that case the person actually assaulted the tenants by throwing water on them? A. Yes, pails full of water on the tenants and threatened them and called them again and again.

Q. And you and some other neighbors went to Judge Feitner to get a warrant? A. Yes, sir.

Q. Which he refused to give? A. Yes, sir.

Q. And told you to come around in two weeks? A. In two weeks.

By Chairman Lexow :

Q. Have you been devoting yourself, madam, to a species of crusade against these people in that district? A. Once and a while when it happens so that the neighborhood was something awful, and you could hardly pass through it, then I made a point of it; but I realize after my first effort that you have got to make up your mind to be treated as if you were the commonest tramp in the city.

Q. Is this the experience that you delineated a moment ago, is that your first effort? A. No, I have been before Justice

Koch, and before Judge Duffy, and before Judge Hogan and Judge Feitner.

Q. How long a time have you devoted yourself to that? A. The first case was on the 20th of November, 1891.

Q. And since that time you have been more or less energetic, you have applied yourself towards righting these wrongs that you speak of? A. Yes, sir.

Q. And how many wrongs have you discovered in that time that have not been righted? A. I never got the shadow of anything near right but once.

Q. You only applied twice for arrest orders, did you not, for warrants? A. I applied to Feitner twice, and I applied to Judge Duffy twice.

Q. Did you make application on every serious case that met your observation? A. Oh, no; I knew there was no use; after I had been once I saw how the thing was worked and there was really no use; I went before Judge Koch and before Judge Duffy, and the case was held; and I went before the grand jury, and when I stated what was done, how I had gone to the station-house, and how I was spoken to there, the grand jury demanded I go before the police commissioners; then there was several witnesses brought up; one was a policeman's wife that I never had any dealing with, and several of them went on the stand and swore I could not be believed under oath, and the following day I went before Justice Koch and asked him if I had not the right to redress in the courts, that I was engaged in this work more or less, and it was very embarrassing every time to have a number of witnesses brought up to swear I could not be believed under oath, and I thought the court should see that my character was protected; he said, "You went before the grand jury, didn't you, I am glad; I hope you got enough of it; I guess you won't go before the grand jury again; you got enough of it this time, didn't you; get out of this court and don't you never dare to come before me again."

Q. Who said that? A. Justice Koch, and I turned to him and I said, "Don't worry yourself; is this what you call justice;" then I said, "May God pity the poor on the east side, for with half drunken judges on the bench whom shall they look to for justice if God forsakes them; you were half drunk yesterday when I applied for a summons, and to-day you are so drunk you can't see out of your eyes."

Q. He made no effort to punish you for contempt of court? A. No; there was one of the officers and he turned and said, "By jee, I wouldn't take that from anybody;" I said, "If you were in the same boat with him you would have to take it."

Chairman Lexow.—Fine commentary upon the Police Court procedure.

The Witness.—That is nothing; that is only a drop in the bucket.

By Mr. Moss:

Q. Anything more like that; any other remarks by police justices similar to that of Justice Koch? A. No, nothing quite so pointed.

Placido Galingo, called as a witness for the State, being duly sworn, testified as follows:

Examination by Mr. Moss:

Q. You live at 101 West Third street? A. Yes, sir.

Q. How long have you lived in that place? A. I have lived there about a year and a few months.

Q. And you keep a respectable boarding-house there? A. Yes, sir.

Q. Did you keep one also at 69 West Third street? A. Sixty-nine West Third.

Q. Yes? A. No, sir; I didn't keep there.

Q. On the 18th of March of this year, that was Saturday night, you had some friends in your place that were sitting down and playing dominos, and such games as that? A. Yes, sir.

Q. And some policemen came in? A. Yes, sir.

Q. Who were they? A. Hallen, Derrigan and Sloane.

Q. Derrigan is the man that was in the Hermann case; what did they do? A. They come in, Hallen he struck a fellow that was standing there by the pool-table.

Q. Did he not say anything to him first? A. He didn't say anything.

Q. Walked right in and struck the man? A. Yes, sir; and then after he came to another fellow that wore eyeglasses; he said some kind of word, I forget what and he swung his club right here like that (illustrating), and it broke the eyeglasses, and the mark is there yet on the man.

Q. That was done with the end of the billy? A. Yes, sir; he had it inside here (illustrating), and I can bring the witness any time and you will see where the mark is.

Q. Now, what else did they do? A. They beat every one, and they make out that some fellow had lost money, that a man took \$12 out of his pocket, and Hallen he came and beat me two or three times, but Derrigan went to stop him; and I was told to open a closet, he told me to open the closet.

Q. Whom? A. Hallen, and Derrigan stopped him; they took everybody to the station-house; some were eating; there was two glasses with whisky in one place that I was treating my customers on Saturday, and at another table was four or five playing dominos for coffee; those people don't drink no beer, all Spanish and Cubans; some was eating and at another table there were three, four or five tables, and they took about \$100 from them all, every one, and the \$100 was on the table.

Q. The police officers took the money out and put it on the table? A. Yes, sir; and they beat the people.

Q. What was done with the \$100? A. He put everything in his pocket.

Q. You mean to say that one of the officers took that \$100 and put it in his pocket? A. Yes, from every one, \$8, \$10 and \$12.

Q. And it amounted to \$100, about? A. Yes, sir; something like that.

Q. Who took the \$100? A. Hallen was the first that took everything.

Q. You mean each of the officers took some of it? A. Hallen is the one that took everything.

Q. How much money did Hallen show up in court? A. I didn't count it, I don't think there was more than \$4 or \$5.

Q. Did you see it clearly in court so as to state positively there was not more than \$4 or \$5; can you say positively that there was less money in court than Hallen put into his pocket at that time? A. Sure there was less.

Q. You were taken all of you to the Mercer street station-house? A. Yes, sir.

Q. What charge was made against you? A. Didn't make any charge.

Q. There must have made some charge? A. Well, I have got to tell you this way —

Q. What charge was made against you? A. They didn't make any charge; the captain come in and he said, "Where is the boss."

Q. What captain was that? A. Captain Haughey.

Q. He said, "Who is the boss"? A. Yes, sir.

Q. Then what happened? A. They said, "That is the man, the boss," and he took me in his room.

Q. You were pointed out as boss? A. Yes, sir.

Q. And Captain Haughey took you in his room? A. He took me in his room where he has got a little table, and he said, "Did you ever give any money to Hallen, Derrigan or Sloane;" I said, "No, I never did;" he said, "You never did;" he said "Oh, you son," and he pushed me like this (illustrating, and he said, "Come this way," and he put me in a closet where he only had a basin, a wash place, and he punched me three or four times in the face; that was Captain Haughey; and he went right away outside after striking me, the blood was running from my face; about half an hour after—I stayed in the room by myself—he called me out and took my name, and he said, "Search if that man has a knife on him;" if I had a knife on me I wouldn't give him a chance to do what he did.

Q. You say the man struck you that way (illustrating)? A. Yes, sir; this thing was done on me to take me out of the house what I got, because that house what I got is the nicest one in the fifteenth ward.

Q. It was desired to get some one else in there? A. Yes, sir.

Q. Who was that somebody? A. I think it was Annie Queen, or Annie Gray, but I think it was the same.

Q. You mean to say that you believe that Annie Gray is the same person as Annie Queen? A. Yes, sir.

Q. Were efforts made to get that house for Annie Queen or Gray? A. Yes, sir; I bring a fellow and he said, "Why don't you leave that fellow alone;" he said, "Come this way," and they went by one side; he was the owner of one house, No. 103; and they didn't think that man was with me; and they said they would like to leave go of that man, but the captain don't want, because he lost so much money; that the woman didn't get it.

Q. The captain lost so much money because a woman was going to get your house but you got it instead? A. Yes, sir.

Q. Who said that? A. Hallen and Sloane and Derrigan was there talking it over between themselves.

Q. You heard Hallen and Sloane and Derrigan talking together saying that the captain had lost a great deal of money, because you had got the house they meant that Annie Gray should have? A. Yes, sir; I didn't hear that; that was a witness who was standing there.

Q. I thought you heard it? A. The owner of 103 heard that; he was standing by one corner.

Chairman Lexow.—I don't think we can admit that testimony. Strike the testimony the witness has given on that subject from the record.

Q. Who heard Hallen and Sloane state that? A. It was Mr. Merling, 79 South Fifth avenue.

Chairman Lexow.—Strike out the evidence about the captain.

Q. Now, have you any other information upon that point that you know yourself? A. Annie Queen sent for me and said, "I have got to remove to No. 18 and would like to have some room in your place for storage."

Q. Annie Queen came to you herself? A. Yes, sir, because, she said, "I got to close my house on account that the captain wants I to give him \$50 and \$1,000 to open the place, and I don't want to work all the time for him."

Q. That is what Annie Queen told you herself? A. Yes, sir; I rented rooms for her to keep her furniture, because she said she had to pay so much to store it in any place.

Q. Did Mr. Sloane come to you in the court and ask you to take a particular lawyer? A. Yes, sir; he came once and said, "If you want to take my lawyer, you can get out."

Q. That is the same Sloane who pushed you? A. No, Sloane didn't touch me.

Q. He was friendly? A. He was not friendly with me; I never knowed him, you know.

Q. But he arrested you? A. He took me up to jail in Jefferson Market.

Q. He told you to take his lawyer, what was that lawyer's name? A. I don't know; I couldn't tell.

Q. If I should mention the name, would you remember it? A. No; I told him I couldn't take his lawyer, because my wife had hired another one, and I didn't see who was his lawyer; when I had my lawyer, Keene; Keene was my lawyer, and he come to me and said, "My wife had to pay \$15 for your case;"



I was standing like that (illustrating) and Sloane pushed him over.

Q. Pushed your lawyer away from you in court? A. Yes, sir; and he went over this way (illustrating), and he said, "If ever I get hold of you, I will fix you."

Q. That is Mr. Sloane who demanded that you take his lawyer? A. Yes, sir.

Q. And when you got your own lawyer, Mr. Keene, in court, Sloane pushed him away? A. Yes; and he called him bad names; I didn't have a chance to speak to the lawyer, you see; the lawyer had to say to the judge that they took the money out of the pocket of the men, he couldn't say anything else, because I had no chance to speak to him.

Q. You had no chance to consult with your lawyer before the examination? A. No.

Q. Who bailed you out? A. Mr. Meyer.

Q. Did that great bondsman, Mr. Blumenthal, come to see you? Blumenthal come to see me about a month and a half or two months after I was arrested.

Q. That was Gus Blumenthal? A. Yes sir

Q. What did he say to you? A. He said, "If I wanted to run a gambling-house I can run it, but I have got to pay Captain Haughey \$50 a month."

Q. That is the same Blumenthal that ran away to Europe? A. I think he is in Canada.

Q. He has gone away? A. Yes, sir; Blumenthal come five or six times to me, and last time he was standing by the pool table.

Chairman Lexow.—Unless you propose to connect it with some positive testimony, I do not think it is fair to Captain Haughey to make statements in his way. The stenographer may put down on record that the evidence is admitted only for the purpose of showing the character of Blumenthal and not for the purposes of showing a transaction of that kind with Captain Haughey, unless it is connected with some positive evidence.

Q. When Mr. Blumenthal made this demand upon you for money for the captain, were Hallen and Derrigan round about? A. Only himself.

Q. Were not Hallen and Derrigan close by when Mr. Blumenthal demanded the \$150 for the captain? A. That was corner of Sixth avenue and Fourth street, when Blumenthal sent to me to that man who kept the liquor beer store, and he say, "You go and see that man and he will fix that all right with you."

Q. He was a Tammany Hall captain, was he not? A. Yes, they were standing outside, and he went and buy a cigar and many things and come out and said, "Well, I can fix your case for \$150."

Q. That is the case where you had been arrested? A. Yes, sir.

Q. And he wanted to fix it for \$150? A. Yes, sir.

Q. Where were Hallen and Derrigan at that time? A. Outside.

Q. Just outside of the store? A. Yes, sir, but Derrigan took me very nice to the station-house, you see, but the captain when I got over there he punched me, he struck me like that (illustrating).

Q. Did you pay any \$150? A. No, sir.

Q. Has your case been tried?

Chairman Lexow.—Do you propose to prove by this that the character and reputation of these men, these bail bond givers and these general blackmailers so notorious that the police justice sitting ought to have known their character and not tololerated their presence.

Mr. Moss.—Yes, sir; the records of their own police courts are the strongest evidence against them.

Chairman Lexow.—That seems to me to be a point that has never been properly accentuated; the commission of the police justice and the general activity of that character of man is a very great item going to show their inefficiency. Blumenthal and Hockstein's reputation was well-known, and their insolvency was an established fact, and yet they went on bonds to the extent of thousand and thousands of dollars. And those bonds were even forfeited and not paid, and the men accepted again.

Q. Your case has not been tried yet? A. The judge he wants me again.

Q. You mean to say you have been down to court a good many times? A. Yes, sir.

Q. And the captain has had it adjourned, is that it? A. The captain called me many times.

Q. But you have not been tried, have you? A. He said, "I can't do anything to the case, I have got no proof," and the man come and say, "You can go home," and the lawyer again wanted to try my case, but he said, "No, no, go home."

Q. You can not get your case tried? A. No.

William L. Soyer, called as a witness for the State, being duly sworn, testified as follows:

Examination by Mr. Moss:

Q. You are in the employ of the counsel to this committee, are you not? A. I am, yes, sir.

Q. Now, Mr. Soyer, it has been the general belief that since this committee has been sitting, particularly of recent weeks, that the practices which have been in existence have been largely discontinued, and that houses of ill-fame have been closed, particularly in the Fifteenth and Nineteenth precincts; I want to address to you a few practical questions upon this head, and while we want to get the facts, we do not want any unnecessary details; have you during the last two weeks paid visits to the Fifteenth and Nineteenth precincts in this city? A. I have.

Q. With special reference to houses of ill-fame? A. I have.

Q. Have you found houses of ill-fame in operation in these two precincts? A. Yes, sir.

Q. Have you found them reasonably easy of access? A. Yes, sir.

Q. Have you been in a number of them yourself? A. I have.

Q. And some one with you? A. Yes, sir.

Q. Into well-known houses? A. Yes, sir.

Chairman Lexow.—What is the object of this proof?

Mr. Moss.—To show the continuous inactivity and dereliction of duty of the police department while this investigation is going on.

Chairman Lexow.—Of their inability to close these houses?

Mr. Moss.—They have been closed and they are open again.

Chairman Lexow.—Would you draw the inference, notwithstanding the sitting of this committee, notwithstanding the moral force of that fact upon the police officers of his city, compelling them, if anything in the world can compel them, to do their duty. Would you not rather infer that it is impossible for them to close them than the reverse?

Mr. Moss.—I might say it was impossible for them to close them, but the impossibility would not be placed upon those grounds you have suggested. The fact is that these houses have been largely closed, and that within a few days they have suddenly blossomed up in all their grandeur, and the necessity for the case is rather a material necessity in my judgment.

If you will pardon the illustration it is like the case of the man found digging along side of the road, and a gentleman asked him what he was digging for. He said, "There was a ground hog went in there and I want to get him." The traveler said, "You will never catch a ground hog by digging for him;" he said, "We've got to, we are out of meat;" pardon the illustration, I mean it in all seriousness; I do say that the practical necessities of the situation, the practical necessity of the establishments which these police officials have been interested in keeping, have made it necessary to permit houses to open.

Chairman Lexow.—Do you conscientiously believe that notwithstanding these revelations, notwithstanding the situation that we are brought face to face with now and what has occurred that there are police officers to-day in this city who accept blackmail.

Mr. Moss.—Yes, sir.

Senator O'Connor.—Do you swear that from any evidence you have got.

Mr. Moss.—I infer it from that now.

Senator O'Connor.—The police have no authority to go into any man's house without a warrant.

Mr. Moss.—Yes, they have.

Senator O'Connor.—Where did they get it.

Mr. Moss.—From their own superintendent. We have a law in this city which authorizes a policeman to go into any man's house that he may suspect to be a disorderly-house.

Chairman Lexow.—A law which permits the superintendent to issue on his own motion a warrant.

Mr. Moss.—We are striking the head and heart when we get to the superintendent; and we have got a situation here as autocratic as anything that can be found in St. Petersburg; a law was passed in 1873 for the purpose of giving the police abundant opportunity to enter such places for any purpose that they might see fit to enter; the law permits any policeman to state to the superintendent any reason that he has to believe that a particular house is run as a house of ill-fame or gambling-house; it permits any two citizens to do that in writing, but the officer may do it by word of mouth, and upon that the superintendent may issue his own warrant without going near a police magistrate, and on that warrant the doors may

be broken up and the people caught redhanded in their operations; this witness' testimony will show that any man can go into these houses freely.

Senator O'Connor.—While the superintendent has that power, do you suppose he would exercise it? Suppose they should break into a respectable house?

Mr. Goff.—It has been done, and therein lies the danger.

Senator O'Connor.—They would hear from it if anyone broke into my house.

Chairman Lexow.—It is as autocratic as Russia.

Mr. Moss.—That is what it is, and there is no excuse for not having exercised that power against these infamous houses.

Chairman Lexow.—The point I wanted to make was, that if under the present conditions, in view of the fact that the Senate committee is here, in view of the fact that so many police officers are now before the board of public judgment, and are indicted, if it can not be stopped, if we are to suppose that corruption still exists in these operations, how can it be stopped?

Mr. Moss.—By turning out the department.

Mr. Goff.—This is a most important subject for you to bear in mind now. I am glad Mr. Moss has brought it up, that under the Constitution of our State, the judicial department of our government has been entrusted to the officials for that purpose elected by the people. Judicial functions have been vested in the superintendent of police, in a policeman of this city, who on his own motion, can under section 285 of the Consolidation Act issue a warrant, and on the execution of that warrant the doors of any house in the city of New York may be broken in.

Senator O'Connor.—Do you think anybody ought to have that power; suppose a policeman should break into a decent man's house on the pretext that he thought it was a disorderly-house?

Mr. Goff.—If we had time to introduce evidence of cases we could do so where from spleen and malice on the part of some common policeman the respectable houses have been invaded without color or authority of right, except this arbitrary power given to the police by law.

Senator O'Connor.—That is simply a horrible condition of affairs; better submit to a thousand disorderly-houses than that one decent house should be treated in such a manner.

Mr. Goff.—While Mr. Moss has stated on the one hand that no excuse can be put against the police authorities for not

obtaining power against disorderly-houses, yet that power has been vested in them in the most arbitrary manner; and it comes down to this, that under the law as it exists to-day in the city of New York, a policeman who is the superintendent of police, that is all he is, a policeman, has the power to issue his warrant fully equal to that exercise by the prefect of police in St. Petersburg.

Senator O'Connor.—It is clear that houses addicted to this practice are pretty well known, and there ought not to be any mistake.

Chairman Lexow.—On the other hand, the application of this very law would render the stoppage of this ill you complain of all the greater, would it not? That law was passed, was it not, for the special purpose of enabling the police to seize upon and close these very houses?

Mr. Goff.—That seems to be the ostensible purpose, but it has not been the purpose to which the law has been applied. While laws upon their face must necessarily be for a good purpose, yet the operation of these laws in the city of New York have been applied for an evil purpose, and having been applied for an evil purpose, I think the citizens of New York ought now to be in a position to claim to the Legislature of this State that we do not want the sacredness of our homes subject even to accident on the part of policeman.

Senator O'Connor.—In other words you think they ought not to have that power.

Mr. Goff.—I do. This law having been on our statute books so long a time, and it not having produced such results as was contemplated, I do not think a good purpose can be served by keeping such a dangerous law on the statute book.

Mr. Moss.—When the Society for the Prevention of Crime got evidence against a gambling-house, instead of going to a police court and running the risk of a leakage of information, the chairman would go to Mr. Murray, and get Murray's warrant. Mr. Murray would make a detail from the Central office, which detail would not know where it was going; it would be mostly by gratuitous route, and then converge upon the particular place; the superintendent's warrant would be produced and the house would be broken into, and frequently the gamblers were caught in the very act. Perhaps that was a proper exercise of the power to suppress gambling-houses as well as disorderly-

houses; but I have not heard of one of such exercise of that function in the present administration. I have considerable information on the subject that at no time has the present superintendent issued that warrant, although the information has come to him in writing over and over again of the existence of this house; it went to him in writing over my own signature, so that I can speak positively on this subject.

Chairman Lexow.—Do you think the superintendent recognizes the autocratic power of that law and doesn't want to exercise it?

Mr. Moss.—There never has been any such suggestion. In my opinion the police department is the most perfect machine ever invented in this city. It knows every prostitute, it knows every house, and no prostitute, no gambler, can live for a moment in any place in the city without being known, and his haunt being known. I find that the police are just as competent to put their hands upon disorderly people in a flat as they are in a whore-house, and my investigations have shown that the people in flats have paid as liberally for protection as the people in whore-houses. If there is a disposition to enforce the law, if the complaints of private citizens like Miss Fream, for instance, and many others who are constantly crying for help in these matters, if those complaints were received in an honest way and immediately acted upon these places could not exist.

Senator O'Connor.—What kind of remedy do you suggest. I have been trying to make a law making adultery a crime, and I can not get six men in the Legislature to vote for it. If that is the sentiment in the Legislature, how do you propose to promote virtue?

Mr. Moss.—I do not suppose we can promote virtue by legislation. I do not suppose we can make folks honest, or prevent them from stealing by legislation, but I do say that these crimes which are violations of the fundamental law as represented in the Ten Commandments, affecting the very foundation of society, should not be played with or temporized with by legislative enactment.

Senator O'Connor.—The question is, how are you going to stop it?

Mr. Moss.—By endeavoring to enforce the laws to the best of our ability.

Chairman Lexow.—Legislation can not do that.

Senator O'Connor.—The question is not so much how you can stop the evil as how you can minimize it and make it as less offensive as possible. We are all in favor of suppression if you can show us how to do it.

M. Moss.—We are considering the corruption in the police department. The situation as we have it in New York to-day of a forced protest, that is, if you can see the natural demand which has made an unnatural demand by a force, like you force a mushroom growth; it rests upon the corruption, the paternal institution for the purpose of gaining money by blackmail; what you may be pleased to start with as natural demand, if you concede that, has increased to an abnormal demand; and we have here a corrupt police department causing an unnatural and abnormal growth of this evil.

Chairman Lexow.—I do not see how we are going to reach any conclusion by debating in this way.

Senator O'Connor.—I admit that a great deal of this blackmail has come from the fact that men who are paid to keep the law, instead of doing so excuse it and levy blackmail on the people who violate the law. Here we have a police force, they are constantly tempted, they are not so possessed of virtue that they are above temptation, they are constantly levying on people who violate the law. I would like to have some testimony to consider what legislation would be able to meet the situation here in New York. We have got to recommend something to the Legislature, what kind of legislation should be passed.

Senator Bradley.—Would it not be well to submit such a proposition as that in executive session?

Mr. Goff.—I think it is proper we should have the law referred to and spread out on the minutes. It is a law that very few, in fact, know of, it is seldom referred to and may be used as a tremendous engine for good or for evil.

Counsel then reads as follows: "If any member of the police force, or if any two or more householders shall report in writing under his or their signature, to the superintendent of police that there are good grounds, and state them, for believing any house, room or premises within the said city to be kept or used as a common gaming-house or common gaming premises or room for playing for wagers, or for money at any game of chance, or to be kept or used for lewd and obscene purposes or



amusements, or the deposit or sale of lottery tickets or lottery policies, it shall be lawful for the superintendent of police to authorize in writing any member or members of the police force to enter the same, who may forthwith arrest all persons there found offending against the law, but none other, and seize all implements of game or lottery tickets or lottery policies and convey any person so arrested before a magistrate and bring the article so seized to the office of the clerk; it shall be the duty of the said superintendent of police to cause such arrested person to be rigorously prosecuted, and such articles seized to be destroyed as the orders, rules and regulations of the board of police shall direct."

There has been no law in our country under our system of a more complete, sweeping and comprehensive measure placed within the powers of a simple executive officer, as the superintendent of police is, as this law. It exceeds that of the common law where the power is vested in a judicial officer to issue a warrant, but here a policeman may authorize in writing any members of his police force to enter any place complained of by either a member of the police force or by two householders, and arrest all such persons found therein.

Chairman Lexow.—Has its constitutionality ever been attacked?

Mr. Goff.—No. You will remember in the face of this law we have put more than one witness upon the stand who swore to having visited over 800 policy-shops at that time just before we took our recess, in active operation, selling policy slips, and the witnesses who have come here and testified to the existence of houses of prostitution have been too numerous for me to even remember an approximate number. In the face of this law and this extraordinary power vested in a man who is not responsible to the people, I say now without any particular reflection upon the present occupant of that office, Mr. Byrnes, I simply direct my remarks to the Senators, that you will take this matter into further consideration when you come to present your views to the Legislature touching whether or not this law should exist under our system of administration.

Chairman Lexow.—You seem to be inclined to advise its abrogation.

Mr. Goff.—I would say here, Mr. Chairman, that inasmuch as the law has not been effectual for the suppression of the evils

which it was designed or ostensibly proposed to suppress, that, therefore, since it is of no use and has fallen into disuse because it has not been used, it is better to abrogate it in order to obviate any possible danger to the citizen. I am opposed to vesting arbitrary power under our system of government. I am opposed to vesting arbitrary power in any one man's hands much less into a common policeman's hands. I would sooner put up with an evil than run the risk of an innocent citizen being unjustly accused under an arbitrary law.

Marcus B. McCarthy, called as a witness for the State, being duly sworn, testified as follows:

Examination by Mr. Moss:

Q You live at 119 1-2 Pleasant street, Boston? A. Yes, sir.

Q. You kept a saloon in this city at one time? A. Yes, sir.

Q. At 101 West street? A. No. 101 West street.

Q. That was during the years 1891 and 1892? A. Yes, sir,

Q. Did you ever pay any money to Captain Slevin? A. I have paid money.

Q. What money did you pay Captain Slevin? A. About \$100.

Q. When did you pay it to him? A. Eighteen hundred and ninety-one.

Q. Do you remember the month and the day? A. Well, I have not got my book with me; it is at the house.

Q. Can you get that? A. Yes.

Q. Where did you pay it to him? A. At the station-house.

Q. What was it for? A. It was to keep open Sundays.

Q. What did the captain say to you, and what did you say to him at the time? A. Well, that is all; he said, "If anything was wrong they would let me know."

Q. Was that \$100 all that you were to pay? A. Well, there was more paid to another man; to the wardman.

Q. What was his name? A. Flynn.

Q. How did you come to go to the station-house to make this payment? A. I was sent for; I bought out Crosby's place; it was Crosby's place first.

By Chairman Lexow:

Q. Where is that? A. No. 101 West street.

By Mr. Moss:

Q. Who sent for you? A. They sent from the station-house.

Q. Who delivered the message to you; who came? A. I think the wardman came.

Q. Mr. Flynn? A. Yes, sir.

By Chairman Lexow:

Q. Are you certain? A. Yes, sir.

By Mr. Moss:

Q. What did Mr. Flynn say to you? A. He said the captain wanted to see me.

Q. When did you go; right away? A. I went right away; I took the place the 20th of May, 1891; a few days after I was sent for.

Q. Then you went to the station-house; where did you find the captain? A. In his private room.

Q. Who spoke first; you or he? A. The captain.

Q. What did he say to you? A. Well, he said, "That was the habit — to give money."

Q. Give us the language?

By Chairman Lexow:

Q. Repeat as nearly as you can what the captain said to you, and what you said to the captain; give the whole thing to us? A. Of course I was a stranger here; I didn't know anything about their rules or anything; I come from Boston.

Q. Now, just say what the captain said to you, and what you said to the captain? A. Well, he said I must pay money because my license would run if I paid the money just the same on account of changing new hands until the year was up.

Q. You mean to say you had somebody else's license? A. Yes, sir.

Q. And you could go on under that license? A. Under that license.

Q. What else was said? A. That was all that was said until after I gave it to him.

Q. I think you said there was something said about Sunday selling; what was there about that? A. That was to pay to keep open Sundays.

Q. What did the captain say? A. He said I could keep open being privileged to keep open on Sunday? A. Yes, sir.

Q. He said that? A. Yes, sir.

Q. Did he mention any amount? A. Well, \$100.

Q. And did that include the license to open on Sunday? A. Well, I bought out the place, and they said the license would run on.

Q. But did this \$100 include the amount he charged you for being privileged to keep open on Sunday? A. Yes, sir.

Q. And did he so state to you? A. Yes, sir.

By Mr. Moss:

Q. Was there anything said about further payments? A. Well, then there was another one, the wardman came along,

By Chairman Lexow:

Q. Did the captain tell you how long this \$100 would entitle you to violate the law? A. No, sir.

Q. He did not state whether it was a month or six months or a year? A. No, sir; he said the wardman would see me again.

By Senator Bradley:

Q. Who suggested the \$100, was it the captain who suggested the \$100 or you? A. The captain; I didn't make no bargain.

By Mr. Moss:

Q. When again did you see the wardman? A. Somewhere along October or January—1st of January, the new year.

Q. What did he say to you? A. He come in for the money.

Q. Did he ask you for the money? A. Certainly.

Q. Can you remember his language? A. He said that the captain got so much twice a year.

Q. Did you pay him any money? A. I didn't pay him that day; I paid him two or three days afterward.

Q. How much did you pay him? A. Paid him \$100.

Q. In your store? A. Yes, sir.

Q. And was there anything said at the time you paid him the money? A. No, he took the money and thanked me and went out.

Chairman Lexow.—Did he testify that he paid the captain the first \$100?

Mr. Moss.—He paid the captain the first \$100; the captain said he would send the wardman, and the wardman came in January and said it was usual to pay this twice a year.

By Chairman Lexow:

Q. You went to the captain with \$100 in your pocket? A. Yes, sir.

Q. How did you come to do that? A. The man said to me that I bought the saloon from, that that is what I would have to pay.

Q. He told you before you went to see the captain that he had been accustomed to pay that amount and you had better have that amount in your pocket? A. Yes, sir.

By Mr. Moss:

Q. The second payment of \$100 was made to Mr. Flynn, the wardman? A. Yes, sir.

Q. Did you pay Flynn any other sum of money? A. No, sir.

Q. There was a change in the captains, was there not? A. Yes, sir.

Q. Who succeeded Slevin? A. Stevenson.

Q. Did you pay Stevenson any money? A. Yes; I think I did; I got the date on the book and everything at the house; I would sooner be excused until to-morrow when I will bring the book.

Q. Will you tell us about the fact of your paying Mr. Stevenson money?

By Chairman Lexow:

Q. Have you got a memorandum showing your payment to Captain Slevin? A. Yes, sir.

Q. Using your name on his book? A. Yes, sir.

Q. Paid so much to Captain Slevin? A. Yes, sir.

Chairman Lexow.—Do you not think that you had better suspend the examination of this witness?

Mr. Moss.—Perhaps it would be better to get out the facts and corroborate them by the books.

By Mr. Moss:

Q. Now are you positive without looking at your book whether you paid Captain Stevenson? A. I couldn't say to-day.

By Senator Bradley:

Q. Are you positive you paid Captain Stevenson money? A. Yes.

By Mr. Moss:

Q. Where did you pay money to Stevenson? A. I paid him at the same station-house.

Q. And how much? A. One hundred dollars.

Q. How did you come to go to the station-house to see Stevenson? A. Well, they were hounding me all the time and threatened to shut me up if I didn't come there.

Q. Who threatened you? A. Detective McCarthy.

Q. Was he Stevenson's wardman? A. I don't know whether he was Stevenson's wardman or not; I never see the wardman but once or twice.

Q. McCarthy told you to go and see Stevenson or he would close you up? A. Yes, sir.

Q. And you went and saw him and paid the \$100? A. Yes, sir.

Q. Did you pay any other sums of money? A. I paid McCarthy, too.

Q. How many times did you pay McCarthy? A. I paid him once.

Q. After you paid Stevenson? A. Yes, sir.

Q. How much did you pay him? A. One hundred dollars.

Q. Where did you pay it? A. In my store.

Q. Was there any conversation between you and Stevenson what the \$100 was for? A. No; he said it was the habit of the saloonmen to do it.

Q. Simply called your attention to the question? A. Yes, sir.

Q. And you paid it? A. Yes, sir.

By Chairman Lexow:

Q. Just what did Captain Stevenson say was the habit? A. That the saloons all had to pay it.

Q. Did he say anything else in that connection? A. No; only he said I had got to pay it.

Q. Did he threaten you? A. No; he didn't make any threats to me.

By Mr. Moss:

Q. Was there anything else said between Stevenson and you at that time? A. No.

Q. You have given all the conversation? A. Yes.

Q. Now, the conversation with Mr. McCarthy upon the next payment; just state what was said; try and bring the scene to us? A. He had come there and demanded \$100 from me, and said he would shut me up if I didn't give it; and I says, "I can't do it now for a few days;" in a few days I give it to him; and then when the new license was to be out again he come down again, and he said, "If you don't pay me more, I will shut you up;" I said, "What have I got to pay you more for; I have paid it twice; isn't that enough;" he said, "You have got to pay more;" and he took and arrested the man and locked the man up.

Q. Who was the man that was locked up? A. My bartender; I was sick on my bed breathing 162 to the minute.

By Chairman Lexow:

Q. What was the bartender's name? A. I had a man named Mullen; I forget the other man's name.

Q. I mean the one that was arrested? A. Bill — I can find it.

Q. Don't you remember it now? A. No.

Q. Where does he live? A. He used to live up near Tenth street.

Q. Here in the city? A. Yes, sir.

Q. Does he live there now? A. I think he does; it is on the record what his name was.

By Mr. Moss:

Q. Did you pay anything to get your bartender out? A. Bail \$100.

Q. Did you pay anything, I say? A. No, sir; I didn't pay anything.

Q. Did you pay any excise inspectors while you were in the saloon there? A. No; only paid for my license.

Q. How much did you pay for that? A. I paid \$200, twice.

Q. But you had to buy an old license? A. When I first went in there.

Q. How much did you pay for your old license to Mr. Crosby? A. I bought the place out and paid so much money for it, for the whole thing.

Q. Did you pay any other moneys to anybody for the extraordinary Sunday privileges of your saloon other than what you have testified to? A. That is all, because I got out because they were getting so I had to get out of the business.

Q. Your rent was pretty high? A. It was \$2,500 a year.

Q. And you had all you could do to make expenses? A. Yes, sir.

Q. Did you keep your saloon open doing business on Sundays? A. Yes, sir; the side door was unlocked, the same as all the rest.

Q. And after 1 o'clock at night? A. It was fastened and locked up.

Q. At 1 o'clock you closed? A. Yes, sir.

Q. But you did a Sunday business? A. Yes, sir.

Q. While you paid you were not annoyed? A. No, sir; as long as I paid.

Q. You had no arrest until the time McCarthy tried to coerce you into the last payment as you have testified? A. Yes.

Q. Did the police officers come into the saloon? A. Yes, sir.

Q. Who came in? A. Shaw, Drummond, and all those.

Q. Who else? A. There used to be several.

Q. Can you recollect any other names—what did they come in for? A. Of course they used to drink.

Q. Did they come in on Sundays? A. Certainly.

Q. Both Shaw and Drummond? A. Yes, sir.

Q. And drank liquor in your saloon? A. Yes, sir.

By Senator Bradley:

Q. Did they ever pay for it? A. They afterward paid me; I had to bring them up before the police commissioners before I could get my money.

Q. That is you had to make a claim against them for your money? A. Yes; one was \$35 and the other was twenty odd dollars.

Q. What were their names? A. Drummond and Shaw.

Q. The same names? A. Yes, sir.

Q. That is how you remember their names so well? A. Yes, sir; it is on my book.

Q. And some portion of that money was for liquor sold on Sunday, was it not? A. Yes, sir.



Q. Did you state to the police commissioners? A. Yes.

Q. Did you tell the police commissioners you had sold them liquor on Sunday? A. Yes, sir; I had to go before the commissioners before I could get my bill.

Q. Who did you tell that to at police headquarters that these officers, Shaw and Drummond, had bought liquors on Sunday? A. Three commissioners; I don't remember now.

Q. Was that said in public hearing or privately? A. Well, I think it was public; they told them they had to pay the bill, if they didn't they would have to get off the force.

Q. Are you sure you mentioned Sunday sales before the commissioners? A. I couldn't say now, I didn't keep no account, I am not willing to swear to it.

By Chairman Lexow:

Q. Where do you live now? A. I live in Boston.

Q. Did you have any trouble with the police outside of the disturbance which you had when you refused to pay money to them? A. No, sir.

Q. Got no prejudice against Captain Slevin or Captain Stevenson? A. No, sir; nothing at all.

Q. Never had any quarrel with them? A. No, sir; I come here from Boston to do business; I had to get out.

By Senator Bradley:

Q. You have got to go right back to Boston? A. Yes, sir.

By Chairman Lexow:

Q. Have you got any motive beyond the motive of testifying as to the facts to benefit this State; have you got any other motive that would induce you to come on the witness stand here and swear? A. No, sir.

By Senator Bradley:

Q. You have got no ill-feeling against these men? A. No, sir; not a bit; I don't intend to make my home here; they drove me out of business the way they were hounding me there; I could never stand it; I paid a good deal of money for my business; rent, \$2,500, and my man, and I couldn't stand it, and I had to get out of the business.

Q. Where are your books; in Boston or here? A. I have got a book down at the house where I am stopping.

Q. You will bring that book here, will you, this afternoon or to-morrow? A. To-morrow.

Chairman Lexow.—You understand that you are under examination and under oath now, and remain so until your discharge?

The Witness.—Yes, sir.

Chairman Lexow.—Therefore, you must not speak with anyone about your testimony or about these books until after you produce them before the committee here to-morrow.

Senator Bradley.—If anybody approaches you you will report it to the counsel.

Adjourned until 2:30 o'clock.

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### AFTERNOON SESSION.

New York, December 5, 1894.

Present.—Senators and counsel as before.

Mr. Goff.—During the testimony of Mr. Andrews yesterday afternoon there was some disputation between the figures stated in my questions, and the figures stated in the commissioner's answer, and it was understood that I would produce the official figures to-day, as to the cost of rent for this year.

Chairman Lexow.—Eleven thousand dollars, you stated.

Mr. Goff.—That was for repairs; but the rental—

Chairman Lexow.—Sixty-three thousand dollars.

Mr. Goff.—He finally fixed it at \$40,000, but I said I would have the official figures here to-day. I have the official estimates of the different departments of all the boards of the city of New York, for the year 1895, from the mayor's office. The rent for 1895, as contracted by Mr. Andrews, shows as follows: Rent of stables; stable A, B, C, D, E, F, G, H, I, K, L, and repairs to stables, the item of \$4,500, make a total of \$52,600. I think it proper to have that put on the record. Now, Mr. Chairman, there is one other matter. Before recess, or immediately after recess, this committee was criticised by certain men in the city of New York, either through interviews appearing in the public

newspapers or letters to the public newspapers on the unfairness of this committee in not giving them a chance to come forward. Of course, as you are aware, Mr. Chairman, that the rule adopted by the committee has been for its own protection, and for the orderly conduct of its business, but in the case of public officials or men of public stations, recognized as such in the city of New York, exceptions have been made; and as has been shown by the generous treatment accorded by this committee to Mr. Andrews in giving him the first opportunity possible to be availed of on its resumption of sessions, I wish to say now, on behalf of this committee, that while the time for our sitting is drawing to an end, we have not much time at our disposal; yet if any of the gentlemen occupying official positions or public stations in the city of New York whose names have been mentioned here in a way not at all agreeable to them, or against whose actions accusations have been made; if they wish or desire an opportunity for vindication, as it is popularly called, we will be pleased to hear from them and afford them such opportunities; I give this notice now, so that it can not be said hereafter, when the committee adjourns, that no opportunity has been granted to them. I am sure, Mr. Chairman, that the committee will accord to me that request which I now make; and if any of those gentlemen, even as late as the gentlemen mentioned in Mr. Andrews' testimony yesterday, if they wish to come forward, by addressing me a note expressing that request, we shall relieve them of all further suspense, and place our chair at their disposal.

W. L. Soyer, recalled as a witness, on behalf of the State, testified as follows:

By Mr. Moss:

Q. Now, Mr. Soyer, continuing your testimony, I wish you would mention the houses in the Nineteenth precinct into which you have gone within the last two weeks; begin with the first?

A. I have a memorandum here of them.

Q. You may use it to refresh your recollection? A. Do you want the numbers, or just the name of the person that occupies it.

Q. The number of the house first? A. No. 154 West Thirty-second street.

Q. Who keeps that house, if you know? A. The name was given to me while in the house — May Livingston.

Q. Were there any girls there? A. Thirteen.

Q. Were you solicited in the house? A. I was.

Q. And all the usual offers made to you for a house of ill-fame? A. Yes, sir.

Q. Was Mr. Thompson with you in that house? A. He was.

Q. What was the date of your visit? A. November 24th; Saturday evening.

Q. Give us the next house; one moment, did you have any difficulty in going in? A. Not at all.

Q. Perfectly open? A. We walked in as if we were acquainted there; yes, sir.

Q. In the front door? A. Yes, sir.

Q. You did not have to go to the basement that time? A. No.

Q. Now, the next house? A. No. 143 West Thirty-seventh street; Miss Fannie.

Q. Were there any girls there? A. Four.

Q. And were you solicited for immoral purposes there? A. I was.

Q. What was the date? A. Tuesday, November 22d.

Q. Did you have any difficulty in getting in there? A. Not at all.

Q. What was the next house? A. Madam Flora; 121 West Twenty-first street; a French house.

Q. How many in the house? A. Six.

Q. Did you have the usual solicitation? A. Yes, sir.

Q. Did you buy beer or liquor in each of these houses? A. Some places we bought beer, and other places we had to open a bottle of wine.

Q. But beer or liquor was bought by you in each of those houses? A. Yes, sir.

Q. And the usual solicitations in Madam Flora's? A. Yes.

Q. Any trouble in getting in there? A. Not a bit.

Q. The next house? A. Carrie Baker's, 563 Seventh avenue; Thanksgiving evening; 29th.

Q. How many girls were in Carrie's? A. We saw 15 girls in all; they told me that they had 22.

Q. What sort of reception did you have there? A. The same as the other houses.

Q. Any restraints apparent upon them? A. Well, they were very anxious that we should take in all the sights.

Q. And how did you get in there? A. We rang the bell, and a colored woman came to the door, and we walked right in without any ceremony.

Q. You were not known in any of these houses? A. No, sir; went there as perfect strangers.

Q. Did you open wine in Carrie Baker's? A. We did, one bottle.

Q. Give us the next house? A. Miss Carrie, 125 West Thirty-second street.

Q. That is Carrie Mack, isn't it? A. That is the name given to me in the house.

Mr. Moss.—The Senator will remember last summer we had Miss Mack's housekeeper here to testify the house had been closed and Miss Mack was gone. At that time those houses were closed, or apparently closed.

Q. What did you find in Miss Mack's house? A. Five girls there; we treated there to beer.

Q. The same inducements to stay? A. The same.

Q. How did you get into her house? A. Rang the doorbell, and a woman came to the door and piloted us right in.

Q. What was the next house? A. I did not get the madam's name in the next house; it is 109 West Thirty-first street.

Q. How many girls were there? A. Well, they only showed us two in the parlor; we saw two in the hall; we saw four girls.

Q. And you were solicited for immoral purposes there? A. Yes, sir.

Q. Any other houses in the Nineteenth precinct? A. Not in the Nineteenth; no, sir; no further in the Nineteenth; we had a list of a number but we did not go any further.

Q. That is as far as you attempted to get in? A. Yes; we were in other houses but they proved to be bed-houses.

Q. Assignment houses? A. Yes; told us to bring our girls with us.

Q. How many houses of assignment did you go into? A. One hundred and sixteen West Twenty-seventh street.

Q. Yes, and did they tell you to bring women with you there? A. Yes, sir.

Q. Where else? A. I haven't the number of those because I did not think you wanted to know anything about them; I do not remember the number; I have a list up home.

Q. Were you refused admission to a house of ill-fame in the Nineteenth precinct? A. Yes; 111 West Thirty-second street; we were inside the hall, but they said the girls were all occupied.

Q. That was not being refused admission; I ask you if you were refused admission to any house of ill-fame you tried to get into in the Nineteenth precinct? A. That is the only one.

Q. And you call that a refusal? A. Yes.

Q. Now, the Fifteenth precinct; tell us at once the numbers of the houses you went into in that precinct? A. Mrs. Burns, 105 Clinton place.

Q. What is the next? A. Miss Clark, 230 Wooster street; Madam Rosa, 220 Wooster street; that is all in the Fifteenth.

Q. That is all you tried to go in in that precinct? A. No; we were into a number, but they proved to be bed-houses.

Q. But you were in other houses in that precinct which were bed-houses? A. Yes, sir.

Q. Did you find any house into which you went that was not doing business? A. No.

Q. And in all these houses of ill-fame you found girls? A. Except 132 Macdougall street; they were not doing any business, but that is a house.

Q. Were the houses in the Fifteenth precinct open as you have testified to the others? A. Yes.

Q. No apparent restraints? A. In the Fifteenth precinct there appeared to be more street-walkers.

Q. Did you see much street-walking in the Fifteenth precinct? A. I did, in the Fifteenth—Macdougall and Thompson and Bleecker streets are full of them, soliciting on the street, and, in fact, I was passing through myself last night and was solicited.

Q. Were there officers in the neighborhood that appeared to see it? A. Yes, sir.

Q. Did they pay any attention to it? A. No.

Mr. Moss.—That will do, unless there are other questions by the senators. I would say that we have several witnesses in the same line but we do not think it necessary to offer it. We simply wish to say that we are prepared to prove that in the Fifteenth and Nineteenth and Twenty-second precincts, houses of ill-fame are running as openly as they ever did, and in the Twenty-first precinct, notably on Lexington avenue.

The Chairman.—I would like to ask the witness one question. Do you think police officers could have gotten into those houses equally as well as you?

A. I think they could, yes; because I was informed by a number of girls I had conversation with, that the police were all right and told them to go a head; it would be all right if they would not go on the stand.

John Kreyer, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. John G. Kreyer; isn't it? A. No, sir; not John G.

Q. What is it? A. John Kreyer.

Q. K-r-e-y-e-r? A. Yes, sir.

Q. What is your business? A. I am in the theatrical business now.

Q. Were you formerly in the liquor business? A. Yes, sir.

Q. We find a book which we think belongs to you; will you look at it and see if you recognize it? A. Yes, sir; I recognized it before.

Q. That was a book that you kept when you had a liquor store; wasn't it? A. Yes, sir.

Q. Where was that liquor store; it don't appear on the books? A. Twenty-eighth street and Third avenue.

Q. Now we find, Mr. Kreyer, monthly accounts in this book covering quite a period in which each month there is a statement of your receipts and a statement of your disbursements; now, we will take the month of March, the opening month in this book; the year does not appear; can you tell us what year it was; the 1st of March in this book? A. Eighteen hundred and eighty-eight, I think.

Q. Eighteen hundred and eighty-eight; well, in the month of March, 1888, if that is the year? A. Or 1889; either one or two.

Q. Possibly, 1889? A. It might have been.

Q. You find on the 3d of March, the entry, "Precinct," printed on it, "\$20;" is that your handwriting? A. Yes, sir; you will find that in every month the same way.

Q. What does that mean, sir? A. It means I gave \$20 to the wardman, McClarkey.

Q. Of the Twentieth precinct? A. Yes, sir.

Q. What for? A. Merely a custom, that was all, as my predecessor before me told me to do.

Q. Who was your predecessor? A. A man named — an uncle of mine named Wendelken.

Q. And you succeeded him? A. Yes, sir.

Q. And Wendelken told you that was his custom? A. Yes; he told me to pay it, and that it would be all right.

Q. Did McLarkey come to the store for it? A. Yes, sir; every month.

Q. How long did that continue? A. Three years; I think it was.

Q. Three years? A. Four years.

Q. Who else besides McLarkey called for this money? A. Nobody else.

Q. Didn't you ever send to the station-house? A. No, sir.

Q. What did McLarkey say about it? A. Nothing at all except he came every month to collect it.

Q. Did he tell you who it was for? A. No, sir.

Q. Did he say what it was for? A. No; he did not say.

Q. What was it for? A. I supposed myself it was for the captain; I can not say who it was for.

Q. What privileges were you paying \$100 for? A. No privilege at all that I can see.

Q. Do you keep open on Sundays? A. Yes, sir; and used to be arrested regularly.

Q. When you were arrested you knew before-hand; didn't you? A. No, sir.

Q. How many times were you arrested yourself? A. Never.

Q. How many times were your bartenders arrested? A. Four or five times.

Q. And you just bailed them out, and that is the end of it; was it? A. No; they were mostly all exposures.

Q. Only exposures? A. And discharged.

Q. And discharged? A. Yes.

Q. Well, these exposure cases sometimes had been when liquor was really sold; hadn't they; the charge was exposure when the liquor was sold? A. No; not that I know of; the bartender used to fix it up himself; I don't know of it; sometimes I would not be there.

Q. How did he fix it? A. I don't know; I could not tell you that.



By Chairman Lexow:

Q. Don't you think the \$20 you paid a month fixed it? A. It might possibly have fixed it.

Q. Didn't you have that in mind when you paid the \$20?

A. No.

By Senator Bradley:

Q. Wasn't that what you paid the \$20 for? A. No, sir; I don't know what the \$20 was for; only my predecessor told me to pay it.

Q. Didn't you know what you paid that \$20 a month to Mc-Larkey for; wasn't it for protection? A. For protection; I didn't know it first; for the police.

Q. A man of your years don't know what protection is? A. I understand what protection is, certainly; I don't know what the \$20 was; merely it was the same as my predecessor told me he had paid and told me I had better pay it.

Q. You got into a bad habit? A. That is it.

By Mr. Moss:

Q. But the arrest made in your saloon did not prevent your keeping open on Sunday? A. No, sir; I was doing the same as my neighbors, and they were all doing it.

Q. Did they ever tell you about paying any money? A. No.

Q. When you or your bartenders were arrested you knew before hand they were going to be arrested, didn't you? A. No, sir.

Q. You did not? A. No, sir.

Q. Did you pay any money to excise inspectors? A. No, sir.

Q. This covered the whole business? A. That was all we had to pay, \$20 a month.

By Chairman Lexow:

Q. You regarded that as one of the running expenses of your business? A. Yes, sir.

Mr. Moss.—It is put in the book as a running expense.

By Senator Pound:

Q. How did you make the payment; did you hand him the bills when he came in? A. Yes, certainly; that is the only way you could give it to him.

By Senator Bradley:

Q. Did he have a memorandum book when he came in? A. I don't know anything about it; I used to pay it to him when he came in.

By Chairman Lexow:

Q. Just show us one of those items? A. There is one right there (pointing on the book) some months you won't find it.

Q. Did he come around every month to your place to collect it? A. Yes; came around the first of the month; he had to pay his rent, he told me, and we used to give it to him.

Q. Was that the only wardman whose name you had mentioned? A. Yes, sir.

Q. He was wardman during the whole time you ran the business? A. Yes, sir.

By Senator Bradley:

Q. You paid him \$20 a month for nearly four years? A. Yes, sir.

(Book marked Exhibit 1, December 5, 1894. L. W. H.)

Mary Lovatt, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. You live at 32 Jackson street; do you not? A. Yes, sir.

Q. Your husband was born in this country; was he not? A. Yes, sir.

Q. And his ancestors for several generations? A. For three generations.

Q. And you live at 32 Jackson street, in a tenement-house; don't you? A. Yes.

Q. We talked a little bit to-day, about Judge Feitner, in the Essex Market court, and Mrs. Fream gave some testimony; was you in court the day Mrs. Fream was there before Justice Feitner? A. Yes; and heard her grossly insulted by Judge Feitner and the court officers.

Q. What did you hear the court officers say? A. Am I obliged to tell it?

Q. Just tell us? A. It is rough language he used; called her a son-of-a-bitch, because she wanted justice; which she could not get.

Q. You had business in court that day; didn't you? A. Yes; my whole family.

Q. You were in a very badly battered condition; weren't you? A. Yes; you saw it yourself.

Q. I remember seeing you a little time afterward and both your eyes were black? A. Yes, sir.

Q. And you lost some hair? A. Yes; a bag of hair in the back.

Q. And those injuries had been inflicted by your neighbors in the same house? A. Yes; on the same floor, but in the rear of the building.

Q. What is that tenant's name? A. Coleman.

Q. I understand that you had a great deal of annoyance from Mrs. Coleman? A. Yes, sir.

Q. And abuse and assaults? A. Yes, sir.

Q. And on a certain assaults culminated in a grand assault? A. Yes, sir; on the 17th of November.

Q. Seventeenth of this last November? A. Yes, sir.

Q. Tell us, without too much language, what Mrs. Coleman and her people did that night? A. Well, the commencement of it was at noon on the 17th of November; my two little children — this is the youngest, a year and four months, and the eldest was three years old — the eldest ran to the stair to kiss its father, and this woman came from the apartment in the rear, and said, "Come and take your dirty scab; noisy little out of the hall;" my husband came out and said, "You need not call my child that; we are lawfully married people;" and she said, "You are a son-of-a——."

Q. You need not give that discussion; that was renewed in the evening? A. When my husband came home in the evening.

Q. Your husband was met by the people in the hallway? A. By this woman; her greenhorn brother, in the country three months, and her husband; I went to meet my husband, and two men caught on to my husband, and I and my husband and two children were knocked down in the hall, and my husband held on to the child, and the woman pulled my hair, and the greenhorn brother darkened this eye, and the other man the eye on the other side; and they broke several articles and utensils over my husband in the kitchen.

Q. You say they smashed the washbowl over your husband's head? A. Yes, sir; and it was all split, and two black eyes, too.

Q. And after all that trouble you went to the police court? A. No; that evening the housekeeper came up, and some of the tenants and saw the blood, and went down and asked a policeman on duty to come up; and he said, "No; he would not come up, unless we holler murder at the window."

Q. You had to go to the window and holler murder before he came up? A. Yes; before the policeman would come up; on the next morning I went to the Essex Market court for a warrant for these two men and this woman.

Q. At this time your eyes were black and your head cut? A. Yes; his forehead was all cut and his two eyes black as well as mine.

Q. Was Judge Feitner on the bench? A. Yes; I asked for a warrant for those two men and this woman, and he would not give me a warrant for the man and gave me a summons, and compelled us to serve it ourselves.

Q. That summons was given you to serve? A. Yes, sir; my husband was afraid to go to the door, and he got the janitor's son to serve it that evening; I asked the explanation of the man that handed me the summons, and he said the court officers were not to serve summons, and we had to serve it ourselves.

Q. Well? A. The case was set down for 10 o'clock on the following morning, on Tuesday, and we got there quarter of 10; I had the witness there that heard it, and heard the woman threaten me that afternoon; and the case was not called up until 12 o'clock; and Judge Feitner got through all the other cases; and he had a man named Coleman, who keeps a liquor place corner of Scammel street and Cherry; this man Coleman had a liquor store and keeps corner of Scammel and Cherry streets, and he holds some high office in the liquor dealers' union; he was there, and another liquor dealer, who keeps a store corner of Jackson street; named Devlin.

Q. These gentlemen were there as counsel? A. Yes, sir; Tammany Hall politicians.

Q. Well, where did these notable counsel stand in court? A. They were admitted inside the railing.

Q. And you were kept outside? A. My husband was not allowed inside at all; I was allowed inside, and my husband had to stand outside with the two children; the woman and

her husband and the greenhorn were allowed inside; but my husband and the children had to stand outside; and I paid the lawyer \$5 that Silver Dollar Smith recommended us.

Q. Did you go to Silver Dollar Smith for a lawyer? A. My husband did not know where else to go, and he supposed any honest man would recommend a lawyer, and he went to Silver Dollar Smith, and recommended a man that took the \$5 bill in his hand, and never opened his mouth in court.

Q. That was the legal service? A. Yes, sir.

Q. What did Judge Feitner do with the case? A. When I got up I opened the bag of hair that had been jerked out of my head on Saturday night; he said, "I don't want to see this hair at all;" he says to Mrs. Coleman, "Have you been served with a summons;" she said, "No, sir; I have not; but my husband has been;" he said to her husband, "What have you to say;" he said, "Quarter to 7, I was served with a summons;" and he said to the greenhorn, "What have you to say;" and he said, "She is a very meddlesome woman; and he always called me an Irish Mick;" that my husband never said a word to.

Q. What did the judge ask you? A. Never asked a word, but dismissed the case right away.

Q. Wasn't your husband asked anything? A. He was not asked inside the rail.

Q. Where did the liquor dealer stand? A. Inside the rail.

Q. Up close to the bench? A. Yes, sir; and the three defendants.

Q. Where did you stand? A. I had to stand right at the end of the seat; with the witnesses; down on the floor.

Q. Are you perfectly sure that no question was asked of you by the judge? A. Only when I produced my hair, and he wanted to know what I did; I told him I hadn't any chance to do anything, with the two babies hanging on my skirts, and I asked the lawyer who took the money for explanation, and he said Judge Feitner said I was drunk, and my husband was drunk; and that was why the case was dismissed.

Q. Drunk at the time of the trouble? A. No; drunk in court.

Q. Were you drunk? A. No, sir; I was not outside of the real estate office of Meyer & ——— five minutes; and I could not be drunk.

Q. So you had no justice at all? A. No justice whatever.

Augustin E. Costello, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. Where do you live? A. Four East One Hundred and Nineteenth street.

Q. I have in my hands a book entitled, "Our Police Protectors," and I see upon the title page the name "A. E. Costello," did you compile this book? A. I compiled it and published it.

Q. This is not the great book that Superintendent Byrnes got \$10 apiece for from everybody in town? A. No, sir.

Q. This is an entirely different thing? A. An entirely different publication.

Q. Under what circumstances did you publish this book? A. As you will see there in the preface to it, some time, I think in 1885, I was connected with the New York Herald in charge of the bureau at police headquarters, and the pension fund was in a very low condition at the time; and I conceived a scheme of getting up the publication for the benefit of the police pension fund; and after making the proposition, some time afterward, it was favorably received; I was to receive 20 per cent. of the proceeds.

Q. And the book was published under that arrangement? A. The book was published under the auspices of the board.

Q. I see upon the fly leaf a certificate by S. P. Nichols, treasurer of the police board, stating that the proceeds of the book will be devoted to the police pension fund? A. Yes, sir.

Q. That is a copy of the original certificate, is it not? A. Yes, sir.

Q. Your relations with the police department were very close, were they not? A. Well, as close as could be under the circumstances.

Q. Close enough for you to get all the material that entered into this very excellent publication? A. Yes, sir.

Q. And the work was fairly successful, wasn't it? A. Well, I have nothing to do hardly with the business part of the book; books were sold principally by the police; I did not handle any of the money as it came in; the money was given to the treasurer's clerk or bookkeeper, Mr. Gott, and I was only given a certain percentage as it went along.

Q. The success that you had in the publication of this book induced you to take up a work in another department, didn't it, in the fire department? A. Well, I can hardly call that a suc-

cess; it would have been a success if I had not been thrown down.

Q. You were thrown down? A. Oh, badly.

Q. Do you mean on this book? A. I do, sir.

Q. On "Our Police Protectors?" A. Yes.

Q. How is that; will you tell us about that? A. You know I am giving this evidence very reluctantly.

Mr. Moss.—I want to say, in all justice to you, that you are not on the witness-stand through any desire of your own, that you have fought against it very hard, and that you are here under subpoena. There is nothing in the character of an informer to be charged against you. The matters which I propose to inquire about are matters which resulted from the infliction of great wrongs upon you, which it is your duty and our duty to get stated in public.

The Witness.—I am quite willing to co-operate with you and the Senators, and I shall answer any questions you wish to put to me.

Q. Will you please to state briefly the circumstances which you have called the throwing down, as merely a prelude of what I am coming to? A. About the time that the book was promising to be a success, that book that you mentioned of Superintendent Byrnes, was in embryo; I suppose it was thought I was more or less in the way when that book would come from the hands of the publishers; the publisher of the work was Cassell & Co.; that is, "The Great Criminals of New York;" my book was the pioneer publication, and I had demonstrated how an egg could be made to stand upon its end.

Q. That is, by making a success of this book? A. Yes; it was thought in advance of the getting out of the book that it would be a failure; and they went to several large publishing houses to get their estimate about it; and their opinions, and all of them discouraged the idea; I had perhaps a little more energy then than I possess now, and I made the success that I did of the book; but then, when the commissioners had got all they could out of it themselves, they simply threw it on my hands and had it stated in the press that they had nothing to do with it officially.

Q. And withdrew their official support? A. Yes; and without their official support I didn't amount to anything.

Q. And that is about the time the other great book, "Great Criminals," was to come out? A. Yes, sir; I don't wish to say

this in any unkindness at all to Superintendent Byrnes, because I always knew everything kind of Superintendent Byrnes, and knew nothing wrong.

Q. About this time you began to get ready to publish the work about the fire department, didn't you? A. Well, yes.

Q. While you were in this struggling condition about the police book? A. I thought I would be treated a little better by the fire department.

Q. And you got from the trustees of the relief fund and fire department a certain letter? A. Yes, sir.

Q. Is this a copy of the letter? A. Yes, sir.

Q. I will read it. "Headquarters Fire Department, City of New York, 155 and 157 Mercer street. New York, December 16, 1884. Henry D. Purroy, Richard Croker, Ernst Smith, Commissioners: This is to certify that the trustees of the relief fund fire department city of New York have consented to the publication of a history of the department, by Augustine C. Costello, in consideration of his agreeing to pay into the said relief fund a certain portion of the proceeds of the sale of said history, in the preparation of which Mr. Costello has been given access of the records of this department. Henry D. Purroy, Richard Croker, Edward Smith, trustees of the relief fund." What was the object of giving you that letter? A. Well, that I might use it in trying to get some ads.

Q. To get some advertisements? A. Yes, sir; to pay a portion of the preliminary labor on the book.

Q. You were to have this official indorsement so your work in preparing the fire department book would be made easy, to get the enterprise started? A. Yes, sir.

Q. You employed a staff of men to go about to aid in the preparation of this work? A. Yes, sir.

Q. And you gave them copies of this letter? A. Yes, sir.

Q. Copies of this letter were attached to the prospective book? A. That is right.

Q. So that when they went about with the books soliciting advertisements the book did contain a copy of the letter by Messrs. Purroy, Croker and Smith? A. Yes, sir.

Q. In doing that work, you went to some considerable expense, did you not? A. I think the entire edition of 2,500 books cost in the neighborhood of \$19,000; at that time there were no half-tones; the illustrations had to be done in wood cut, and there



were perhaps 900 of those illustrations in the book, and 1,100 pages.

Q. And you went to that expense; the portion you incurred personally upon the strength of the letter, did you not? A. Entirely.

Q. Upon the strength of that official indorsement? A. Absolutely so.

Q. And after you had gone to that expense there came over the minds of Messrs. Purroy and Croker and Smith somewhat of a change didn't there? A. Yes; a very marked change.

Q. The book was then fairly a success; it could be taken up and published by anybody, couldn't it? A. Well, I had gone so far in it it would be ruin to go back, and bankruptcy to go ahead; it was like Mohammed's coffin.

Q. And you resolved to go ahead, didn't you? A. I had to go ahead.

Q. Even though these people went back partially, at least, upon their written indorsement? A. Well, I did not know what they wanted.

Q. What did they do anyhow? A. I suppose they thought I was making a great deal of money, and it was necessary to report more than once at headquarters, or do something; I have no other means of ascertaining what.

Q. After resolving to prosecute this work and go ahead with it what species of direct annoyance were you and your men subjected to? A. Well, my men were arrested under one pretense and another; but they were never held more than over night; they were always arrested in the evening; and finally I had them telephone up to Colonel Justin at the fire headquarters and ask what the meaning was and asked what my men had done wrong.

Q. How many times were your men arrested? A. Half a dozen times, at various times.

Q. And nobody would prosecute them? A. Nobody would prosecute them.

Q. That threw great delay on your work? A. Yes; it, more or less, killed it.

Q. What were your men doing when arrested? A. Nothing but soliciting advertisements.

Q. While soliciting advertisements they were arrested? A. Yes, and subscribers; of course the press had to bring it up,

from time to time, and say that the work was not an official publication and there was a good deal of jealousy here and there about it.

Q. Having sunk all that money into the work, and having that sort of annoyance practiced on you by somebody in authority did you conclude to get a different sort of credential? A. Yes, sir; I concluded that my only salvation was to cut loose entirely from the paid fire department, and I went to the volunteer fire department and I told them my grievance, and I made a business connection with them.

Q. So you undertook then to publish a book under the auspices of the volunteer association? A. Yes, sir.

Q. Which you had intended to publish under the paid fire department? A. Yes, sir.

Q. Upon their certificate? A. Yes, sir.

Q. That publication was to come out in 1887, wasn't it? A. Yes, sir, thereabouts; it was a very large publication and I had a great deal of labor to ransack all the libraries and sources of information, private and public.

Q. Then when you undertook to canvass for the work under the new auspices you were annoyed, weren't you? A. Yes, sir; that was about the turning point; I found it difficult to call in the certificates of the fire department from the men that held them.

Q. Some of your men wanted to hold on to the original certificate of the fire department? A. Yes; and I had no mode of redress, because I knew at fire headquarters they would not do anything for me to get those certificates back; but by degrees I managed to get the greater part of the certificates back; there were still one or two out; and I learned that two of my men were arrested down in the First precinct.

Q. Who was in command of the First precinct at that time? A. Captain McLaughlin; that was on the 7th of November, 1888.

Q. These two men were arrested in the First precinct and you were informed of their arrest, weren't you? A. Yes, sir.

Q. You went to the station house? A. I did.

Q. And found Captain McLaughlin there? A. Yes.

Q. And the book they had been soliciting with was present in the station-house? A. Yes, sir.

Q. That was a book that you had tried to call in wasn't it A. Yes; these were two of the men I had endeavored to get the certificates from issued by the paid fire department.

Q. Those were the two men that declined? A. They told me they lost it, and I knew they were using both certificates; I was still entitled to use both certificates.

Q. You was entitled to use the certificates? A. Yes; but as a matter of honor, I preferred not to use it.

Q. And you endeavored to substitute so far as you could the certificate of the volunteer department; removing the other from the books? A. Yes, sir; so there would be no cause at all.

Q. Now you became possessed in the station-house of the certificates that were attached to that book; didn't you? A. I learned that a Captain Murray, captain of the fire department in that neighborhood, had seen those men go into some office down there and learn that they were trying to get subscribers for this work, and he telephoned up to fire headquarters to ascertain if they were officially connected with the department, and the usual response came, "No;" and acting on that he had the two men arrested.

Q. But you became possessed of the letter while you were in the station-house? A. I was curious to know upon what ground these men were arrested, and I wanted to bail them out if possible; I saw Captain McLaughlin, whom I knew very well, and he is at present inspector; and he showed me what they possessed; I said, "You know, captain, everything is right about those men, and it is a great outrage to lock them up; and these are official credentials and you must know;" he says, "I know they are, but I can not do anything with the men; the charge has been made against them;" I said, "Let me see those two documents;" so, I took the official document of the paid fire department and said, "I will possess myself of those;" because I did not want it to be handed back to the men in the morning; I had been trying to get it for a month or two; and I took that, and in the presence of Captain McLaughlin, I simply closed that up and put it in my pocket, and said, "They won't have this any more;" and left the station-house; and then I thought I would try my best to get them out over night, and I went up to police headquarters; first, I went and had supper.

Q. Who did you see at police headquarters? A. I went to see Mr. George B. Taylor of the Times, to see if he could not use some influence to get bondsmen to get them out; I went over to the bureau at police headquarters, and not finding him there

I waited a considerable time, and finally went over to police headquarters, and like a spider and the fly, I walked right into Inspector Williams' arms; I had been around police headquarters for quite a time.

Q. You had, just before that, written up the Tenderloin precinct under Captain Williams? A. Very much so.

Q. You had given Captain Williams a very hard scoring? A. I was the author of the word "Tenderloin;" that has often been disputed; I did not originate it; but it was I that first published it in the *World*.

Q. Captain Williams loved you exceedingly? A. No, sir; he never loved me; but he clubbed me once before in the Madison Square Garden.

Q. Let us digress a moment and hear about that? A. There was there a walking match or boxing match, and there was a large crowd of people trying to get in, and I was a little late; but there on official duties; and Williams was in one of his hectoring and bullying moods, and as soon as he saw me he caught me by the throat and threw me against the wall, and gave me a jab of the club.

Q. What year was that? A. I think Johnson Hennesy of the Times can locate it; you can call him as witness; he is well known in town.

Q. We will come back to the interview with Williams at police headquarters; tell us about that? A. Well, he says, "Costello, I want you;" I said, "All right, captain, what is the matter?" He said, "Come into my office." His manner was very domineering as it usually is, and I went in.

Q. Yes; when he has the power it is? A. He said, "I understand you have been doing something dirty down town." I said, "That is news to me; what is it?" He said, "You have stolen a document out of Captain McLaughlin's office." I said, "I have stolen no document; the document belonged to me and I took it for protection; the document will be produced in court in the morning." He said, "Have you got it with you?" I said, "No; my bookkeeper, Mr. Stanley, has it;" and at that time it was in my safe in Fourteenth street; Mr. Stanley was with me at the time; I said, "Stanley, you had better take care of this and put it in the safe." And then I parted with Mr. Stanley, and I told him I would be around headquarters for some time.

Q. Continue your interview with Williams? A. I told him the circumstances; I said, "Captain, I did not do anything wrong; how have I violated the code?"

Q. You did not destroy any testimony? A. No; I did not; I had it, and the documents were returned a month after that to the fire headquarters; it was ready to be produced; I never destroyed any document; that is about 7 o'clock in the evening.

Q. Can you locate the date of the occurrence? A. I had given you the date; that was the 7th of November, 1888.

Q. That is, he was then Inspector Williams, was he? A. Yes; he kept me in his office from 7 o'clock in the evening until midnight.

Q. Under arrest? A. I asked him if I was arrested, but he said, "No; but you must stay here." Well, I was arrested; very funny work was going on in the meantime.

Q. What do you mean by that? A. It led up to a serious sequel.

Q. You mean there were preparations going on? A. Preparing for me; I was suspicious; little bit alarmed, although I tried to conceal what I felt; he was telephoning here and there, and some of his detectives were coming in and whispering; and I asked him, "Captain Williams, what is the meaning of all this." I said, "This is very unusual; I know too much about the proceedings that take place when a man is arrested here; I ought to have my freedom or be locked up;" he said, "You will know time enough. Keep still." At midnight two detectives came in and whispered to Williams, and he said, "All right, Costello, you go with these men, you are under arrest now." By this time my bookkeeper had come back — Mr. Stanley; and I told him, I said, "Stanley, you had better stay as near me as you can; I feel that there is going to be something happen; I want you to be an eyewitness of it." And I learned in going down on the elevated train, I thought whether it would be possibly to find Judge Duffy; he lived down at the Stevens House, I think on Broadway, if it would be possible to get a poor man out at this time, I would like to do it; my thoughts were running as much on them as myself; when we came to the last station, and got off the elevated train, the detective said to Stanley, "You get away: we don't want you at all." I said, "Stanley, if you have got to go away, go and see Judge Duffy; I may want his services as well as these men." Stanley left me there.

Q. They were careful to get Stanley out of the way? A. Yes, sir; it was raining, and I had an umbrella with me; it was a pretty dark night when I got off the steps of the elevated station down town; it was coming on 1 o'clock in the morning; I raised the umbrella, and the door of the station-house was wide open and a stream of light coming out on the sidewalk and on the stoop; and when I was about placing my foot on the stoop like that (indicating) I saw two men come out of the shadow; the bright light cast a shadow and in the shadow I saw a hand raised; fearing I would get the blow, perhaps, in the nose or eye, I partially threw my head back a little bit and I got the blow on this strong cheek-bone of mine, and I was knocked down and severely injured.

Q. You were then in charge of two detectives? A. I was, sir.

Q. And on the steps of the station-house? A. Yes, sir; I rolled in the gutter; I saw this man who struck me, who wore very heavy shoes at the time, try to kick me in the face; but I managed, by keeping my umbrella in front of my face, to ward off the kicks that were intended for me, but the umbrella was very badly damaged; I did not mind so much about that; I got up, and this man went for me again; and I said, "Now, hold on; I am a prisoner here; this is a cowardly act on your part; if I have done anything to offend the laws of the State there is another way of punishing me; this is not right;" you could hardly recognize me as a human being at this time; I was covered with blood and mud and dirt and had rolled over and over again in trying to escape the kicks that were rained at me; I hurried myself as fast as I could into the station-house, thinking that would protect me; all this time I was being assaulted, the two detectives stood over me.

Q. What were their names? A. I can not recall it just now, but I can get their names later on; two wardmen of that precinct; there was a second man with the man who assaulted me; that man, I may tell you, was Captain McLaughlin.

Q. What do you mean; on the sidewalk? A. On the sidewalk; the man with him, standing right off the curbstone on the street; and when I got into the station-house, I asked to be allowed to wash the blood off myself, and I was feeling more like a wild beast than a human being.

Q. Tell us what he did? A. McLaughlin put himself in all sorts of attitudes and tried to strike me, and I dodged the blows.

Q. Was that in the general room of the station-house? A. Yes; Captain Murray, of the fire department, was present at the time; he made the complaint against the two men.

Q. You were a prisoner and standing in the middle of the station-house floor while McLaughlin was raining blows at you?

A. Yes; "Now," I said to him, "McLaughlin, look here; I never felt myself placed in the position that I do to-night; no man has ever done to me what you did to-night, and I advise you to let up; standing here, if I am assaulted again, you or I will have to die; one man or two will be taken out of this station-house dead; and so, stop;" at this time I had my fighting blood up and had recovered from the collapse I was thrown into; I said, "You may think me not protected here; but I have a good strong arm, and if you assault me again, as sure as there is a God in heaven, I will never take my hands from your throat until you kill me or I kill you;" he kept on blustering, but never struck me again.

Q. What was the nature of the punishment? A. He had brass-knuckled me.

Q. You mean to say he had brass knuckles on? A. Yes, sir; you can call on Doctor Jenkins, the brother-in-law of Mr. Croker, who saw the marks, and he can verify it; this is well substantiated, and it is no ghost story.

By Senator Bradley:

Q. You know all these men now? A. Well, yes; that don't end the brutality; that was only the beginning of it.

By Mr. Moss:

Q. Is there anything worse than that; I never got the full details of this story before? A. I never told you, because I felt so humiliated and disgraced myself, going home to my family in that condition, and the following morning brought to the court, and nobody could understand but my counsel what happened to me.

Q. You say he desisted at that moment? A. He desisted at that moment when I said he or I would have to die if he did not stop; I was then allowed to go into his private room and wash some of the mud and gutter off my face and hands; I could not wash the blood off, because that was coming down in torrents; and when I was going downstairs somebody there kicked me or

punched me severely in the back, and I feel the effects of it yet at times, and I suppose I always will.

Q. Then I was thrown into a cell bleeding, and by this time a second collapse had come over me, and I must have fainted in the cell.

Q. Did McLaughlin go into the cell? A. No; he came down after me; after I was locked up, and made it clear he gloried in the fact that I was in that condition; so, fearing that somebody would open the cell-door, during the night, when I would be in a faint, because I felt very weak from the loss of blood, I took out my notebook and wrote in it, "If I am found dead here to-morrow, I want it known I am murdered by Captain McLaughlin and his crowd;" I hid that in my stocking; that piece of bloody paper; I kept it for a long time, and I tried to find it to-day but could not put my hands on it, and am very sorry I can not put my hands on it.

Q. Were you persecuted any more that night? A. I was persecuted in a way that they would not give me any water.

Q. Did you call for water? A. Yes; and it was denied me; everything was denied me; from loss of blood and all that I became unconscious; and about 5 o'clock in the morning, when I could get a little rest, I was routed out from my bed and told to get ready; then I asked the privilege of getting something to brush off my clothes and my shoes, and, after paying a little for it, I did get it; and I was taken out by these two same men that had arrested me; now, before I proceed any further, will you let me go back a little?

Q. Yes. A. All the five hours I was kept a prisoner at police headquarters with Inspector Williams standing over me, I might say with drawn baton, two detectives were up at my house, which shows this was a put-up job and conspiracy to degrade me; from quarter after 7 or half-past 7, from the time this happened, two detectives were up at my house bullying my wife and scaring her to death, and all this time they knew I was down in the hands of Inspector Williams; Inspector Williams told me this with great glee as I was about to be taken away; I said, "You must have no heart;" I said, "I don't mind the persecution I have been subjected to, but I don't wish to have that inflicted on my wife and children; they will go crazy; I beg you to telephone to



the station-house and have those brutes taken out of my house;" and he did, but they were there up to midnight; and all these five hours in my house bullying my wife and sending my children into hysterics.

Q. You went to court the next morning, did you? A. Yes, sir; I begged then of the men that they would allow me to buy a pair of glasses more or less to conceal my lacerated face; I was in a terrible state; they refused until I got very near the place, and I said, "I will make trouble for somebody if I go in this condition, and they let me buy a large pair of blue goggles; and I sent for Counselor Charles T. Duffy, who is at present justice of the peace in Long Island City; and I told him what happened to me; and he said, "These people are too much for me; I will go and get somebody to assist you; what do you think of Mr. Hummel;" I said, "Do what you like about it; have Mr. Hummel;" I paid him a retainer fee, and he said, "These are infernal brutes, and we ought to break them;" I said, "I am prepared to do what you tell me;" when the case was brought up it was laughed out of court; there was no case for me or my men; they first had me to get bondsmen before the thing was tried, but there was no case tried; there was no case to try; Hummel said, "What have you against this man; he has not destroyed any documents; we have been here in court to hand them up to you; his men have done nothing;" so they called off the dogs of war, and let me go home to a sick bed of five days, and call in a physician to fix me up and stitch me up; all this time the newspapers were pitching into me, and some of my friends in the press concluded that I had done something criminal to indict me.

Q. Of course, they got all their information from Williams?

A. Yes; but I can assure the gentlemen of the press and the gentlemen present that I did nothing at all to make me ashamed.

Q. Do you remember when Captain McLaughlin was on trial for tolerating a gambling-house in his precinct? A. In Ann street.

Q. In Ann street? A. I do, sir.

Q. And do you remember Mr. Whitney and I wanted you as a witness? A. I remember Mr. Whitney did; you were associated with him as counsel in that case.

Q. Did Captain McLaughlin come to you in reference to that matter? A. He did not; no.

Q. He did not? A. No; I knew nothing about the gambling-house; Mr. Whitney, in ways best known to himself, of course, he is dead now—he must have heard of this trouble with McLaughlin; and I suppose he inferred from that that I would be too glad to take the first opportunity to say something that might injure Captain McLaughlin; I was not going to allow Mr. Whitney to use me as a bludgeon to strike McLaughlin.

Q. You backed out? A. I had nothing to back out from; I never was in a gambling-house in my life.

Q. Did Mr. McLaughlin think you were going to testify, and asked you not to testify? A. No; a subpoena was served on me at 12 o'clock, and I was taken right down.

Q. What was the result of this affair of your book? A. It ruined me and my book; I lost everything.

Q. You were absolutely ruined? A. Yes; I could not get men to canvass; I had the whole edition, nearly 2,500 books, upon my hands; I had a bindery uptown and had to go out of that; there are 1,100 of those sheets up now in a bindery at No. 711 Broadway.

Q. When you failed to crush your men they crushed you? A. They crushed me too.

Q. That was the end of your enterprise? A. That was the end of my enterprise, and nearly the end of myself, too.

By Senator O'Connor:

Q. Did you ever take any legal proceedings against these men? A. I never did, sir; no use to go to law with the devil, and court and hell.

By Mr. Moss:

Q. You have felt, to a large extent, humiliated in this thing? A. I have to the present time.

Q. You have discussed it with intimate friends, but nobody else? A. No, sir.

Q. You have had great repugnance to having this matter brought up? A. Yes, sir; I have fought against it; Mr. Goff knew of this case before this Lexow committee came into existence.

Q. I remember Mr. Goff speaking to me about it three or four years ago, and speaking about your unwillingness to have it

made a public matter? A. Mr. Goff I relied on as a friend; I know you would not ask me to take this position unless you knew it was a public good.

Q. I told you yesterday it was a duty to the public to yield to the subpoena that has been served upon you and tell the story? A. Yes, sir.

Q. I told you you owed it to yourself as a private man? A. Yes, sir.

By Senator Bradley:

Q. You did not hear the answer he made to Senator O'Connor when Senator O'Connor asked him if he ever took legal proceedings against these people on these people; I would like you to answer? A. I said there was no use to go to law with the devil and court and hell.

By Senator O'Connor:

Q. Do you mean to say a citizen can not get justice in the courts of New York city? A. I mean to say they would swear I was drunk and disorderly, and swear worse and worse.

Q. The police would? A. They would swear anything against you.

Q. The police would make a combination for themselves? A. Yes; they would have to do it.

Q. Is this the first time this has come to light? A. Yes, sir; Dr. Jenkins is here; I wish he would be called.

Mr. Moss.—Here is Dr. Jenkins. Can we trouble you a moment, doctor?

Mr. Costello.—I am not quite through yet.

William T. Jenkins, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. You are acquainted with Mr. Costello, are you? A. I have known him for a number of years; yes, sir.

Q. You have heard his testimony about the injuries that were inflicted upon him? A. I could not hear him, sir; I was sitting over some distance away and could not hear his testimony.

Q. Do you remember attending upon Mr. Costello? A. Yes, sir.

Q. After he had received some injuries to his face in the year 1888; wasn't it, Costello?

Mr. Costello.—Yes.

Q. The date, please?

Mr. Costello.—It was—let me see—it was November 7, 1888.

Q. Now, doctor, all we want to ask you is to describe the injuries to Mr. Costello's face which you treated? A. I do not remember the date; I remember that I called at Mr. Costello's house at his request and found him suffering from a contusion and an abrasion of the cheek.

Q. Can you describe it? A. And he was suffering some from depression.

By Senator O'Connor:

Q. Was he pretty badly bunged up? A. He simply had a contusion of the face.

By Mr. Moss:

Q. Was the skin broken? A. Well, I can not say to-day what they were produced by; I was unable to determine what they were produced by, but from your statement I believe they were produced —

Q. Produced by brass knuckles? A. Yes, sir.

Q. Of course you were called upon very suddenly and without opportunity to refer to your memorandum? A. Yes, sir; I came in simply with a gentleman, just called, and sitting down, and did not expect to be called.

Q. Of course, we had to call such distinguished company; it often happens our friends have come in to see us and have helped to entertain us; I think there is nothing else to detain us.

The Chairman.—We will have to take an adjournment as we all have an engagement to take the train.

By Mr. Moss:

Q. Will you give instructions to the witnesses?

The Chairman.—All witnesses who have been subpoenaed to attend here to-day will be promptly here to-morrow morning, at half-past 10; to which time the committee stands adjourned.

Proceedings of the sixty-second session of the committee of the Senate of the State of New York, to whom was assigned the investigation into the conduct of the police department, of the city of New York, held in the Superior Court-room, Part I, in the city of New York, on Thursday, December 6, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Daniel Bradley, Edmund O'Connor, Cuthbert W. Pound, and Jacob A. Cantor. John W. Goff and Frank Moss, of counsel for the committee.

Mr. Goff.—We expected a witness this morning, Mr. Costello, to finish up matters of importance which we did not conclude yesterday. He not being here, we will call Mr. Sanger.

Frank W. Sanger, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. What is your occupation? A. I am a theatrical manager, and present manager of the Madison Square Garden.

Q. How many years have you been manager of the Madison Square Garden? A. It is a year and three months, a year ago last September.

Q. Since you have been manager of the Madison Square Garden how many exhibitions of boxing have taken place, or supposed prize-fights? A. To the best of my recollection, five.

Q. Could you give me the names of the contestants, the particular contestants, so that we could identify them? A. In January there was an exhibition given by Mr. Corbett, after his contest with Mr. Mitchell in the south; in February, there was a benefit for the World's fund, some charity of the World under the management of a Mr. Hackett.

Q. For sick children? A. Yes; sick children, I think; in March, there was the Amateur Athletic Union gave some exhibitions, some two or three nights; I think three.

Q. Well, were there any proposed matches between well-known boxers that fell through? A. I was—a date was held for a reception or contest with Mr. Mitchell in the event of Mr. Mitchell being the winner of the fight with Mr. Corbett by Mr.—a gentleman of the "Times" the sporting editor of the New York Times—Mr. Kennedy.

Q. Do you know Mr. Brady? A. Mr. William Brady, the manager?

Q. Yes. A. Yes, sir.

Q. What is he manager of? A. At present he is manager of a number of athletic combinations, I think Mr. Corbett and the Cotton King, and I think Old Glory—a few melodramas.

Q. In making arrangements for these boxing exhibitions or receptions, or whatever they may be called, you have to do with the financial matters? A. Only as to making terms, not to the handling of the money at all.

Q. As to making of the terms for the lessees for the time being? A. Yes, sir.

Q. Now, before any of the exhibitions have taken place, or boxing contests that have taken place in the Garden since you have been manager, have you had any knowledge in making terms with the lessees of moneys having been paid to the police on account of the boxing exhibitions? A. No, sir.

Q. Have any of the persons who conducted these entertainments ever spoken to you about having to pay out of their proceeds money to the police? A. Yes, sir.

Q. Who spoke to you? A. Mr. Brady spoke to me on the floor of the arena on the night of the Corbett contest; he came to me and said he would like to draw \$250 from the box-office in order to pay it to the police.

Q. And what did you say to him? A. I told him that he could go and draw the money.

Q. Did he mention any policeman particularly? A. I understood him to say Captain Schmittberger.

Q. He is the captain of the precinct in which the Garden is situated? A. Yes, sir.

Q. Well, explain Mr. Sanger, if you please, how it was that Mr. Brady who was manager of the exhibition came to you to ask your consent or permission to pay this money to Captain Schmittberger? A. Mr. Brady or no one in the Garden would be paid any money from the box-office during an entertainment without an authority from me for permission to draw it.

Mr. Goff.—All witnesses who have been subpoenaed to-day, particularly members of the police force, or ex-members of the police force, will remain in court, and on no account will any one be excused from attendance here to-day.

Q. Am I correct, Mr. Sanger, in assuming therefore, that you exercised control over the money received at the box-office? A. No, sir; I do not; but in the absence of the secretary of the company, who handles all the money, they will pay any money

from the box-office on my order; they would not make a settlement.

Q. I see. A. I will explain that my arrangements as manager distinctly said that I shall not be responsible for the handling of any of the moneys of the Garden; it goes through the cashier, and through him to the secretary.

Q. And then the company of the Garden had a sort of lien or right of supervision over the moneys? A. Always; yes, sir.

Q. They have to be paid directly out of the proceeds according to the terms of the agreement? A. That is it, sir.

Q. And they claim a lien, as it were, over the moneys received until their contract is carried out? A. That is it exactly.

Q. And you, as their representative, see to it that the moneys are not drawn from the box-office except by your consent or knowledge for the purpose of protecting the interest of the Garden? A. That is it; yes, sir.

Q. When you consented that Mr. Brady should draw the \$250 from the box-office, am I correct in assuming that that sum of \$250 was to be charged to his part of the proceeds of the account? A. I presume that would be correct; I can not recall the exact—

Q. I want to distinguish whether or no that \$250 was to be charge as an expense to the Garden or to the managers of the exhibition then in progress? A. At that time, I did not consider that; afterward I found that the percentage was charged of that money as an expense, and a pro rata of the Garden's share was charged to the Garden.

Q. That is what I mean; that at the time you gave Mr. Brady consent to take the money, your understanding of it was that he was taking his own money out of his own share? A. Yes.

Q. The Garden had nothing to do with it? A. Yes.

Q. You simply gave consent that he should draw that money? A. That is it, sir.

Q. You have stated that afterward you learned that a portion of this sum of \$250 was charged in a settlement between the Garden and the lessees; to the Garden a pro rata amount of it? A. I can not say that it was a pro rata amount; I was notified by the secretary of the company that Mr. Brady owed the company an amount of some \$37, which was a difference in that settlement; in what exact way the difference was I do not know; but it concerned that \$250; I wrote Mr. Brady, stating that there

was a difference of that amount, and would he please send a check to the secretary or to the company for this amount of money. |

Q. Well, you understood, I presume, Mr. Sanger, a man of large affairs and concerns such as you are, when Mr. Brady told you that he needed that money to give to Captain Schmittberger, that that money was to go from Mr. Brady and his concern for what was called police protection? A. No, sir; I can not say that; because I had seen Superintendent Byrnes personally about it; and as there had been a parade through the streets, and one thing and another at that time, sir, at that time I gave it no thought whatever.

Q. You say you had seen Superintendent Byrnes before the reception? A. Yes, sir.

Q. For what purpose? A. An application from a club, I think it was the Volunteer Football club, for an escort for Mr. Corbett from the depot to the hotel; a parade through the streets.

Q. And you saw Superintendent Byrnes for the purpose of obtaining a permit? A. A permit and— yes, sir; to obtain the permit; that was all.

Q. A permit for this reception? A. No, sir; a permit; or to have Superintendent Byrnes send policemen to protect them or clear the street.

Q. That is what we call a permit for a parade? A. Yes, sir.

Q. Had that nothing to do with the payment of \$250? A. Oh, no, sir.

Q. You answered stating that you had previously seen Superintendent Byrnes about it—you did not think of it; I want to understand from you if there was any relation between your seeing Superintendent Byrnes and the payment of this money called for by Mr. Brady? A. Oh, no, sir; no, sir.

Q. Now, we will come back to our previous question; when Mr. Brady told you that he needed that money for Captain Schmittberger, you understood, as a man of affairs and knowledge of the city of New York, that that money was to be given to Captain Schmittberger for police protection, or permission, as you might call it, to the captain, excluding the superintendent? A. I gave no thought to it at the time; if I can explain a little, Mr. Goff?



Q. Why certainly, Mr. Sanger. A. Because at the time I saw Superintendent Byrnes he stated to me, in giving this exhibition to-night, if you break the law in any way, I will have men there to see that the exhibition is stopped; under your license you can give the exhibition, provided you keep inside of the law; so when Mr. Brady came to me I never gave it a thought what it was for, having the instructions from the superintendent for that particular performance.

Q. Well, of course, you have heard as a citizen of New York, and a man of affairs well acquainted with our city, the development before this committee for the past six or eight months; you have heard of police protection? A. Oh, yes, sir.

Q. And you have heard of police captains exacting sums of money? A. Yes, sir.

Q. That they had no right to exact under the law? A. Yes, sir.

Q. And, of course you recognize that the superintendent having given you your permit for that parade, and also you having the license or permission for this exhibition — A. Yes, sir.

Q. And the notification by the superintendent that as long as the law was not violated you were perfectly safe.— A. Yes, sir.

Q. You felt then that you, or Brady, or the concern were not under any obligation to pay any police official any money? A. Very true, sir.

By Chairman Lexow:

Q. But you did believe, didn't you, that whoever was in charge there had the right to consider as to whether or not you were inside or outside the law; and when the payment was made didn't you take that into consideration? A. What?

Q. That the police officer in charge there had the right to construe as to whether or not your performance was inside or outside the law as stated by the superintendent? A. Yes, sir.

Q. And when a payment of \$250 is made he had special application to that fact, didn't it? A. No; I could not say that sir, because it was in — there was a large crowd; it was a hurried transaction; he asked permission to draw the money; the men who stood in front of the stage to judge the performance were Inspector McAvoy — I think that is the name — and inspector

— ; I would not be sure, but it was either Williams or McLaughlin; McLaughlin—I did not be sure of it, but those two stood in front of the stage.

Mr. Goff.— Yes; it was McLaughlin.

Q. Then why should you give \$250 to Captain Schmittberger?

A. I did not.

Q. I don't mean by you; going through the channels you have spoken of, why should it go to Captain Schmittberger? A. I don't know anything about that; I know Mr. Brady asked to draw that amount from the box-office for that purpose.

By Mr. Goff:

Q. You understood that was going out of his pocket and not out of yours? A. Yes; certainly.

Q. But I ask you, Mr. Sanger, at the time was it not your impression that Mr. Brady was doing that which had been the custom in similar exhibitions? A. Yes, sir.

Q. To go to the police captain? A. Yes; that is it; it was my first experience with an exhibition of that kind, and I thought this was —

Q. You understood it was the custom? A. Yes, sir.

Q. You thought that Mr. Brady was simply following up an established custom? A. Yes, sir.

Q. You had nothing personally to do with the payment of the money? A. No, sir.

Q. Did you ever hear from Mr. Brady in reply to your note? A. No, sir.

Q. Did we understand you correctly to say that a portion of this \$250 in the settlement appeared to have been charged to the Garden? A. Yes, sir.

Q. And that the secretary paid it? A. Yes, sir; and directed me, or requested to me to write a letter asking that it be returned.

Q. Could you explain to us or inform us the status of the percentage, how it came—while we do not want to inquire into the private arrangements between the Garden and the lessees, yet we are interested to ascertain what percentage or pro rata division was made or claimed by Brady of that \$250?

A. Well, the — I can not give you that without referring to the accounts — the terms.

Q. That will indicate to us the terms? A. They received 65 per cent. of the gross and gave the entire performance and

advertising; we furnished the Garden and received 35 per cent. of the gross.

Q. That included lights, and tents, etc.? A. The light and attaches, and no other expense.

Q. It was on that basis of division that the \$250 was claimed by Mr. Brady to be paid? A. Yes, sir.

Q. Is that all you know of that transaction? A. Yes.

Q. What time was that; I don't think it was given, the date? A. I think it is about the 27th of January.

Q. Of this year? A. Yes sir.

Q. Is that the only occasion in which a matter of money to be paid to the police has been brought to your attention? A. That is the only occasion.

William A. Brady, called as witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. Are you a resident of our city? A. Yes, sir.

Q. You have been all your life, haven't you, pretty near? A. Pretty nearly; yes, sir.

Q. And you are a theatrical manager? A. Yes, sir.

Q. And have been engaged in managing theatrical entertainments, boxing, etc.? A. No.

Q. You are manager of Mr. Corbett? A. Yes, sir.

Q. That is why the question was put, because anything that Mr. Corbett figured in would be of such a nature that I thought athleticism would come in some way; well, Mr. Brady, what did you do with the \$250 you drew from the box-office in the Madison Square Garden? A. I did not draw \$250.

Q. How much did you draw? A. A portion of \$250.

Q. What was the portion of it? A. I believe it was 65 or 75 or 87 1-2 per cent., some portion of \$250; I believe there was a balance left over that there was some dispute about.

Q. What did you draw the money for that you did draw?

By Chairman Lexow:

Q. Sixty-five per cent. you mean of the \$250? A. Yes, sir; 65, or between 65 per cent. and 100 per cent.

By Mr. Goff:

Q. Of the \$250? A. Yes, sir.

Q. If it went to the 100 per cent., you got the whole of the \$250? A. Yes, sir; correct.

Q. What did you do with the money you drew anyway? A. I paid it to Mr. Benson Sherwood.

Q. Who was Benson Sherwood? A. He was the stage mechanic; he was the stage mechanic and the janitor.

Q. What was that for — payment of wages — to Mr. Sherwood? A. It might be termed a perquisite.

Q. Not what it might be termed. A. That was for the general bringing off of the exhibition.

Q. Mr. Sherwood was an attache of the Garden? A. He was the superintendent of the Garden.

Q. And your terms of the Garden were that out of the proceeds of your exhibition you was to have 65 per cent.? A. Yes, sir.

Q. And the Garden was to have 35 per cent.? A. Yes, sir.

Q. And the Garden was to furnish you the Garden, light and attendance? A. Yes, sir.

Q. Since under your contract the Garden was to furnish you with the hall, light and attendance, how did you come to pay Mr. Sherwood, an employe of that Garden, money? A. I always did, every time I played there.

Q. What was it for? A. He had to bill my stand, he had to sit up all the night before, and had to assist me.

Q. Let us not misunderstand each other, it will be a saving of time. A. Yes. sir.

By Chairman Lexow:

Q. You understand, Mr. Brady, that if you have been guilty of any bribery or corruption under the law you are protected if you tell the truth? A. I am telling the truth.

Q. If, on the other hand, you tell a falsehood on the stand, you are subject to all the offenses and penalties of perjury. A. I understand that perfectly.

By Mr. Goff:

Q. Mr. Sanger has sworn you asked him for permission to draw \$250 from the box-office for the purpose of paying Cap-

tain Schmittberger; did Mr. Sanger perjure himself when he swore that; now answer my question? A. I don't remember —

Q. I don't ask you whether you remember or not; now, repeat that question.

Q. (Question read by stenographer.) Mr. Sanger has sworn you asked him for permission to draw \$250 from the box-office for the purpose of paying Captain Schmittberger; did Mr. Sanger perjure himself when he swore that; now answer my question, yes or no? A. I can not answer that question yes or no.

Q. You must answer? A. I can not remember; I will make a statement—

Q. Never mind; answer that question, yes or no; you are on that chair, and you will stay there until you answer that question, Mr. Brady, or the grand jury will find out very quickly? A. You must allow me to explain my answer.

Q. No; I will not allow you to explain; we shall not have any discussion. A. Read the question again.

Q. (Question read by stenographer.) Mr. Sanger has sworn you asked him for permission to draw \$250 from the box-office for the purpose of paying Captain Schmittberger; did Mr. Sanger perjure himself when he swore that; now answer my question, yes or no? A. I think you should allow me to qualify.

Q. Stop, sir; that question will not be read to you any more; it has been read to you twice now; after I put it; answer.

Chairman Lexow.— Answer the question.

A. I can not answer it; it is put in such a way I can not answer it; if it is changed, I can answer it.

Senator Bradley.—The question is as plain as a b c.

The Witness.— Will you allow me to explain?

Senator Bradley.— There is the counsel; let him say.

The Witness.— I do not think Mr. Sanger—

By Mr. Goff:

Q. Now, don't look around or take breath, Mr. Brady; answer that question? A. I don't take breath; I don't think Mr. Sanger is capable of perjuring himself.

Q. Will you stop, sir; answer that question that I have put to you? A. You asked me to answer yes or no.

Q. Answer my question yes or no.

By Chairman Lexow:

Q. I want to tell the witness perjury means swearing falsely; the question is whether he swore falsely when he made that statement? A. What statement?

Q. The statement involved in the counsel's question; did he swear to what was true, or did he swear to what was false? A. Who?

Q. Mr. Sanger? A. Mr. Goff asked me about an interview.

Q. Mr. Goff does not ask anything of that kind; he asks you whether Mr. Sanger's statement on the stand here, if that is true or false, when he stated that you had applied to him for \$250 to pay Captain Schmittberger? A. When he stated—

Q. Was that true or false; answer it? A. When he stated I applied to him?

Q. Was it true or false? A. A portion of it true and a portion of it I can not remember about; if you will just give me—

Mr. Goff.—No, sir; stop.

The Witness.—A portion of it is true, and part of it I can not remember.

Q. The whole statement can not be severed in portions at all; was that statement true or false; we propose, Mr. Brady, to just keep this question to you; Mr. Stenographer, take my question, please, and I ask—

Chairman Lexow.—The chair instructs the witness if any part of the statement is false in the general question he can answer, it is false; that the whole question is false. He can answer the whole question is false if any part is false.

By Mr. Goff:

Q. Take my question, Mr. Stenographer; Mr. Sanger who has just left the witness stand, has sworn that at the time the exhibition was given by Mr. Corbett, in the month of January, 1894, of which exhibition you were manager, that you went to him and asked him for permission to draw from the box-office \$250 to be given by you to Captain Schmittberger; is that statement by Mr. Sanger, under oath, true or false; now do not argue, answer the question; I ask Mr. Chairman, that you stop this witness from indulging in any observations except in answer to that question.

Chairman Lexow.—That question can be answered yes or no properly.

The Witness.—I can not remember the exact substance of the conversation between Mr. Sanger and I.

Mr. Goff.—I ask, Mr. Chairman, that even the talk of this witness be not taken on the record until we have an answer to that question.

Chairman Lexow.—The chair has already ruled that the question is subject to a categorical answer. The witness can answer categorically yes or no. He can make his explanations afterward. Is that false or is it true? It must be one or the other.

By Senator O'Connor:

Q. Is it substantially false or true? A. Substantially true.

By Mr. Goff:

Q. Is any part of that statement that I have recited to you, sworn to by Mr. Sanger, false? A. It is all substantially true.

Q. It is all substantially true? A. Yes, sir.

Q. Now, you took an active part in the arrangements looking to a joint appearance between Mr. Corbett and Mr. Mitchell? A. Yes, sir.

Q. When was that to take place? A. I can't remember the exact date.

Q. Give us the month? A. February or January, two or three years ago; I don't know which; January or February.

Q. That was before they fought? A. That was before they fought; yes, sir.

Q. With whom did you enter into negotiations to give that exhibition or joint appearance of those two men? A. In relation to what; the exhibition itself or the procuring of the garden?

Q. Yes; in relation to the exhibition? A. Well, I saw Mr. Mitchell; Mr. Mitchell came to this country, and the meeting took place at the Clipper office between Mr. Mitchell and Mr. Corbett, and it was arranged that they should box six rounds at the Madison Square Garden of a date that I can not remember now.

Q. Well, that is good enough? A. An agreement was signed and the matter was published; before this agreement was made at the Clipper office, I met Mr. Mitchell immediately after his arrival here, I believe a day or so after, and I tried to arrange

with him a finish contest with Mr. Corbett, and he refused to engage in one; I then said to him that Corbett was willing to box him a limited round contest or any contest at the Garden, or in the club, or anywhere else; I told Mr. Mitchell that if he would allow me before the matter became public to go and rent the Garden for an athletic entertainment that I could get it at a rental, but that if it became public that Corbett and Mitchell were going to spar that the Garden people would want a percentage; this was done before the meeting at the Clipper office; the men met and an engagement was made to spar six rounds; then a statement was made in one or two of the papers that the contest would not be allowed, and it dropped, and Mr. Mitchell went out West.

Q. Is that all? A. About a week after—before he had gone out West, between the time of the newspaper proclamation that it should not be allowed, and the time of Mitchell's departure for the West, I think about four or five days elapsed, I am not certain of the space of time; anyhow during that time I received an intimation that if I should meet a certain person and make agreeable arrangements with him that the contest would take place; I can't remember now who the man was that told me that I should see this other party, but it was somebody connected with the Garden; of course, it is not fair to talk about Sherwood again, but I think it was Sherwood; he had full charge of the Garden.

Q. You can tell the truth, Mr. Brady? A. He was the general factotum around the Garden.

Q. Your impression is it was Mr. Sherwood? A. Yes; the person was William Muldoon.

Q. The ex-policeman? A. Wrestler, of course and policeman—William Muldoon; I met William Muldoon, and I had a long talk with him; you will understand that this contest I am speaking about now was the first one I was connected with, and I didn't know much about running those things then, and I hailed the appearance of Mr. Muldoon in the matter with some satisfaction; he talked and told me what he could do, and what he could do about working it up, and what he could do about having it, and said he could arrange the contest, and there would be no interference, and he was to receive 25 per cent. of the gross receipts; I then went to Mr. Mitchell, met him at the Astor House; I walked around from the Astor House, around the corner, down through Church street, and to the Astor House, and in that time I told him the proposition, and refused to tell him who the man was who was to be interested, but I



told him there was a man that is capable and powerful enough to bring this contest to a successful conclusion to box six rounds at the Madison Square Garden if so much money is paid over to this man, and he says, "You go ahead and fix it;" and we parted; I then made the arrangements, and telegraphed Mitchell that it was all right, and he telegraphed back and said he did not think it was possible to bring the contest off, with the way the police interference looked that the public would not go unless they thought that it was to be genuine affair, and that he did not think it could be made to look like a genuine affair with the police interfering, and finally came down and asked for a certainty; Corbett, at that time had gone into training at Atlantic City; I was here; one telegram followed another; and finally Mr Mitchell wrote a letter in which he declared the whole matter off, and that he was not feeling well, and declared the matter off, and notwithstanding the affair—I might mention that he had guaranteed if I paid \$1,100 to the Garden that he should protect me, he left me in a hole with a \$1,100 contract on my hands, with nobody to fill the Garden with.

Q. Mitchell said, if you paid \$1,100 he would protect you?

A. I said to him, as I told you at the beginning of my last explanation, if I get this a rent, I can get it for \$1,100; if they knew you and Corbett was to spar there they would want 50 per cent. of the gross receipts.

Q. He left you with that contract on your hands, involving an expense of \$1,100? A. Yes, sir.

Q. You say this was your first experience as a manager of such entertainments? A. For a big boxing entertainment; yes, sir.

Q. You say you were knew to everything in that line? A. Oh, no; I had had the benefit of a year's connection with Corbett, and of course, I knew a good deal about boxers.

Q. That was in regard to boxers; but I mean in regard to making arrangements with the Garden? A. Yes, sir; I believe that was the first time.

Q. That was the first time, and you were glad of an opportunity to have matters straightened out? A. Correct.

Q. There was a discussion that you have testified to at the Clipper office between Mr. Corbett and Mr. Mitchell touching this proposed boxing exhibition; do you remember Mitchell kicking against a part or a percentage of the proceeds going for police protection; now, just think a moment; just think a minute? A. No, sir; I do not.

Q. Well, now do you remember Mitchell saying in substance—I don't pretend to give his exact words—but in substance—do you remember Mitchell saying that it was a blarsted shame that they had to pay the police in New York, they would not have to pay them in England; or words to that effect? A. No, sir; I do not.

Q. Will you swear that he did not make use of those words? A. I will not swear he did not make use of those words.

Q. Who were present at this meeting at the Clipper office? A. Some 20 or 30 newspaper men and 20 or 30 prominent sporting men.

Q. Will you give me the names of all those you can recollect? A. J. B. McCormack.

Q. That is P. J.? A. No; it is Macon McCormick.

Q. Wasn't P. J. McCormack there? A. I don't know; I did not know P. J. then.

Q. You know the man I refer to now? A. Yes, sir.

Q. He that signed his articles P. J.? A. Yes, sir.

Q. Do you know whether he was there? A. I did not know him then, Mr. Goff; I did not know him by sight.

Q. Name me another besides Mr. McCormack? A. I believe Mr. Lumly was there, and I believe that gentleman sitting next to you.

Q. Mr. Gallagher? A. Yes, sir; Mr. Slavin was the sparring-partner of Mr. Mitchell.

Q. Was Mr. Harding there? A. Yes, sir.

Q. Mr. Plummer there, or Plimmer? A. No, sir.

Q. Plummer? A. Plummer?

Q. Do you remember Mr. Plummer? A. You mean the gentleman that is in England now?

Q. Yes; I believe he was there. A. I am not sure of that.

Q. He was there? A. There were 60 or 70 there.

Q. Was Mr. Richard K. Fox there? A. I believe not.

Q. You will not swear you say but that Mitchell expressed himself substantially in the terms that I have spoken? A. You are talking about the meeting between Corbett and Mitchell for the six-round contest at the Madison Square Garden, aren't you?

Q. Yes; at the first meeting. A. I will not swear he expressed himself in that way then; he expressed himself that way later at the World office in a great, big public meeting for

an arrangement for a finish contest when Squire Abbington Baird was there; he expressed himself in that way, but not this time.

Q. As a matter of fact he expressed himself in that way in both places; I will take your word you do not recollect his stating that at the first meeting; but as a matter of fact when the subject was first brought to Mitchell's attention he expressed himself in very strong language? A. As a matter of fact, I think, at the first meeting—I am almost positive on thinking of it, he was very careful what he said about the police then, that he said nothing then there.

Q. That is the first meeting? A. I am talking about the meeting at the Clipper office leading up to the Madison Square Garden transaction.

Q. You say later on at the World office, in the presence of a large number of persons, Mr. Mitchell did express himself strongly on the subject of having to pay the police a percentage of the proceeds? A. Yes; because I brought him down to the fact that he had made a promise to me about the \$1,100, and I had tried to show the public he had done this, and had crawled out of the contest with Corbett, and on bringing it down to them he laid it onto the police.

Q. And in bringing it down to that, when he laid it onto the police, wasn't it for paying so much out of the proceeds for police protection? A. Well, Mr. Goff, you can put any number of constructions you like on it.

Q. I assure you, Mr. Brady, I am not putting any construction.

By Chairman Lexow:

Q. You are being asked what the proper construction was? A. Mr Muldoon came to me and said he could bring this contest off if I gave him 25 per cent. of the gross proceeds, without police interference; that is, without police interference if there was any knockout; Mr. Muldoon put it very nicely; he put it in this way, he said, "I will be on the stage. There will be no knockout. If it comes to that, I will stop it."

By Mr. Goff:

Q. Apart from that, Mr. Brady, the match was in such a condition, or at least the negotiations practically speaking were

broken off, or had been broken off before you saw Mr. Muldoon?  
A. Not by Mr. Corbett, but by Mr. Mitchell.

Q. I agree with you, but the negotiations before you saw Mr. Muldoon had been broken off, whether it was Mitchell's fault or Corbett's fault? A. No, sir.

Q. They were not in the course of completion? A. The articles were all signed, the men were all ready in six weeks, and the Evening Sun and Evening World came out and said, "No boxing at Madison Square Garden; Superintendent Murray puts his foot down on it."

Q. That is the point? A. So that nothing more was done; of course, I immediately went to work to see if I could not bring it off; I thought I had a right; it is not a violation of the law.

Q. That is it; when the evening newspapers you have mentioned published Superintendent Murray's orders that the match would not take place, you set to work to see if you could not get over the superintendent's objections? A. I went to the superintendent and told him I did not think I was doing anything to violate the law, that it was a six-round limited contest.

Q. What did the superintendent say to you? A. He sent out word he would not see me; he sent out word he would not see me and the contest could not take place.

Q. The contest could not take place, notwithstanding your assurance that the contest was going to be as you understood it within the law? A. Yes, sir.

Q. After you got that message from Superintendent Murray that the contest could not take place did you then let the matter rest? A. No; I commenced to—yes, I let the matter rest until I—

Q. You recognize that as long as the superintendent of police said that the match could not come off, that you could not in the face of his order have the match come off; you recognized the force of his order? A. No; I did not recognize the force of his order.

Q. Now, let us see; even in the face of the superintendent of police, charged as he is with the enforcement of law, in the face of his statement or message to you and as published in the newspapers that that match could not come off, you did not take that as conclusive or settling the case? A. No, sir.

Q. Then you had it in your mind, Mr. Brady, that there must exist some ways or means to get around the order of the super-

intendent of the police? A. I thought I had the right; I had one idea in my head to go ahead with it anyhow.

Q. To disregard the order of the police? A. And enjoin the superintendent of police from interfering.

Q. Did you employ counsel for that purpose? A. I think I talked to my counsel about it; I have always talked to my counsel about it.

Q. Who is your counsel? A. Judge Dittenhoefer.

Q. At that time; did you employ Judge Dittenhoefer or retain him to commence any proceedings at law? A. I can not remember in this particular instance, but I have been talking with Judge Dittenhoefer ever since I had been in it about the legality.

Q. You talked to Judge Dittenhoefer about this particular case, because it is the first case that you ran up against the police in regard to these boxing exhibitions, didn't you? A. I don't think I did.

Q. Then did you talk with any other lawyer, or retain any other counsel? A. I never had any other lawyer but Judge Dittenhoefer.

Q. And as far as your knowledge goes, Mr. Brady, there were no proceedings commenced in a court of law to compel, or to enjoin rather, the superintendent from interference with that proposed contest? A. No, sir.

Q. You had it in your mind that you would go ahead; and we have it from you that no legal proceedings were attempted against the superintendent; what measures did you conceive by which you could get around his order? A. I was brought to a complete standstill; and as I said earlier in the examination, I received—

Q. "Until;" you stopped at the word "Until?" A. We never gave up, Mr. Goff.

Q. No; you are fighting at long range; you are sparring at long range? A. I want to set Mr. Corbett all right; that is all.

Q. There is no question about Mr. Corbett at all; be under no misapprehension; we appreciate your loyalty to your friend; do not apprehend there is any intention in this committee to subject Mr. Corbett to any interference whatever? A. I have my own opinion about that.

Q. Well, I can not alter your opinion; but I tell you that this committee is not to be used by any person; or its counsel, with any design to injure any man.

Chairman Lexow.—I do not think it is necessary to explain that fact, Mr. Goff.

Mr. Goff.—No, sir; except that this witness may have some erroneous idea about it; we can not tell what.

Chairman Lexow.—As long as he tells the truth, that is all. Whatever opinion he may have formed of it it is a matter of his own mind.

Mr. Goff.—I simply wanted to tell him that was no matter against Mr. Corbett.

Q. You went on in your previous answer, and said you were at a complete standstill until; and you stopped at until; I ask you to complete that sentence? A. Until I received information I spoke about earlier in the contest; that I could have the contest without interference.

Q. Now, we have it, that after the superintendent's message to you that the match could not come off, you were at a standstill until you received this message or this information from this person that you believed to be Mr. Sherwood? A. Yes, sir.

Q. That the match could come off? A. Yes, sir.

Q. Now, give us Sherwood's words as nearly as you can recollect them? A. I think Sherwood's words were—I don't know that it was Sherwood—some attache of Madison Square Garden; it came to me like an accident; some one said, you send to Muldoon.

Q. Yes? A. That was all I needed.

Q. This person whom you believed to be Mr. Sherwood said to you, you had better see Muldoon; was there not something said by this person that Muldoon could fix it with the police? A. That was the way the remark was rendered.

Q. That was the impression produced on your mind by the language used? A. That was it exactly.

Q. Of course you knew Muldoon personally, did you? A. Never met him before.

Q. You knew him by reputation? A. Knew of him very well.

Q. You also knew that he had been on the police force at one time? A. I did not know then; I learned it afterward.

Q. How soon after you received this information did you see Muldoon? A. I think inside of three days.

Q. Did you seek him out? A. I believe I sent him a telegram, or letter or message.

Q. Up to Lake Champlain where he was? A. I think he was with a variety company then in some city about here; I got in communication with him I know.

Q. You found out where he was? A. Yes, sir; right away.

Q. You sent him a letter or telegram; one or the other? A. One or the other.

Q. Most likely a telegram? A. Most likely.

Q. And in that telegram do you remember saying to him that on a matter of great importance you wanted to see him immediately? A. I don't remember what I said in the telegram.

Q. You wrote the telegram yourself? A. I don't know that I sent a telegram; I don't remember that.

Q. I know you did. A. I don't know whether I did or not.

Q. I know you did; I am telling you the fact, and want to be fair with you? A. If you know I sent a telegram, then I sent a telegram; I got into communication with him quick.

Q. Now, having refreshed your memory do you remember writing a telegram in substance to this effect: "Come to New York at once; trouble with the police over match between Corbett and Mitchell; you can arrange; William Brady;" do you remember writing those words in your own handwriting? A. No; I don't remember writing that.

Q. Do you swear you did not send a telegram to that effect? A. I can not remember, Mr. Goff; I could not swear I did.

Q. Will you swear you did not write a telegram on the Western Union blank? A. I can not swear I did.

Q. Will you swear you did not write a telegram? A. No, sir.

Q. And now having refreshed your memory, isn't it the fact that you wrote such a telegram, and in that telegram the words were troubled with the police over the Mitchell match? A. I can not remember; I sent 10 or 12 telegrams every day.

Q. This was the first time you ran up against the police in a boxing match; and it is likely to impress itself on your memory? A. I could not swear particularly; I could not remember the telegram.

Q. Will you swear you sent to him, and the object of your sending for him was to come here to straighten out the police difficulty? A. As I testified before, I wanted him here to find out what the tip I had received meant.

Q. And to get over the police obstruction? A. To bring off my entertainment whatever way I could and save my \$1,100.

Q. You had paid your \$1,100? A. As I testified, yes, sir; before any arrangements were made, on Mr. Mitchell's words.

Q. On that, did you ever square yourself on that \$1,100; did you ever get it back? A. Oh, yes sir.

Q. In response to your message Mr. Muldoon came to New York? A. Yes, sir.

Q. And where did you meet him? A. I believe I met him in the lobby of the St. James Hotel.

Q. By appointment? A. By appointment.

Q. Who was with you? A. Nobody.

Q. Who was with Muldoon? A. Nobody.

Q. The two of you alone? A. Yes, sir.

Q. How are you now with Muldoon; are your relations friendly? A. Always, yes, sir.

Q. Always have been friendly? A. Yes, sir.

Q. Was there not a strained relation between Mr. Corbett, your friend, and Mr. Muldoon, because Muldoon did not train him for his last fight? A. No, sir.

Q. They are friends yet, are they? A. Well, as far as friends can be in that line of business.

Q. I understand; that means a good deal Mr. Brady? A. No; Mr. Muldoon wanted to train Mr. Corbett to fight Mr. Sullivan, and Mr. Corbett didn't see it that way, and I guess Mr. Muldoon has felt —

Q. He has indulged in some expressions? A. Yes; I should not be surprised if he would to have trained him.

Q. You and Muldoon have had no differences? A. No, sir; we always met on the friendliest terms.

Q. Of course, your friend's friend is your friend, and your friend's enemy is your enemy? A. Yes, sir.

Q. That is the way of it? A. Yes.

Q. Now, you remember saying to Mr. Muldoon at that interview in the St. James Hotel that the police had made up their minds not to allow that match to come off; you remember that; don't you? A. I can not remember that.

Q. Tell us what you do remember of the conversation that passed between yourself and Mr. Muldoon? A. I went right frankly to Mr. Muldoon and told him I had received information — remember this was the first time I have met Mr. Muldoon — and I explained the position to him.

Q. Tell us what you said as nearly as you can recollect, word for word? A. I told him I had received information that if I



saw him it would be possible for me to give an entertainment on the night that I had contracted for at the Madison Square Garden, and I wanted to know what it meant; and as I said before in my testimony, he went around it in a very smooth way; and he says, "You know my friend—;" he did not mention any name, but I took it for granted it was Inspector Murray, or Superintendent Murray—"does not care to have any brutal exhibitions at Madison Square Garden, and you know I have been conducting these things for many years, and you have not, and you need a man like me, and I will lend prestige to it; you nor Corbett have ever been identified with a production of this kind in the city; now, you give me 25 per cent. and I will furnish boxers and will referee the contest, and bring it off, and guarantee there shall be no interference."

Q. Yes. A. So we quibbled over the terms for a while, and it was finally agreed he should receive 25 per cent. of the gross receipts—I think 25 per cent. of the net proceeds.

Q. After the expenses? A. Yes, sir; of the net receipts.

Q. You understood then, working in the interest of your principal and friend, and desiring that the match should come off under any circumstances, that that 25 per cent. should go to Muldoon for police protection? A. Well, Mr. Muldoon did not put it in that way to me, Mr. Goff.

Q. Never mind how he put it; you said he approached the matter very smoothly, but I am asking you, looking after the interest of your principal, Mr. Corbett, and your friend, you recognized and you believed that in agreeing that 25 per cent. of the receipts—part of which belonged to him by right—that 25 per cent. should go to the police to pay them for not interfering with the fight? A. No, Mr. Goff, I do not think—

By Chairman Lexow:

Q. You did not need Muldoon for any other purpose, did you?  
A. No; I did not.

By Mr. Goff:

Q. And you showed yourself to be a very loyal and sincere friend of Mr. Corbett, and I think we are all pleased with that; and you would not agree that the money that should come into Mr. Corbett's treasury, arising from the gate receipts, should

go to anybody else unless you were compelled to let it go would you? A. Not to the extent of 25 per cent.; no, sir; I might have allowed Mr. Muldoon five per cent. for his experience.

Q. But to the extent of 25 per cent., unless it was compulsory upon you, you would not consent to have your principal and friend robbed and treated in that way? A. It would not be compulsory upon me; I could have said no, and could have quit; that is all.

Q. Then the match would not have come off and you would have lost your \$1,100? A. That is right.

Q. So in order to have your match come off and to save your \$1,100 you had to make concessions? A. Yes, sir.

Q. And these concessions you, as the faithful manager, you were only compelled to give because you could not help yourself? A. I was not compelled, Mr. Goff; his proposition was simply a business proposition made to me.

Q. It was simply a question of business policy, wasn't it? A. Yes, sir.

Q. If he wanted to do business you had to pay the money? A. Yes, sir.

By Senator O'Connor:

Q. You had to abandon the enterprise or pay the money? A. No; I might have had another alternative, but I did not want to employ the other one; I thought I could enjoin the superintendent of police.

By Mr. Goff:

Q. You knew that 25 per cent. was to go to pay the police not to interfere with that matter? A. The 25 per cent. went to Mr. Muldoon; I did not care what he did with the 25 per cent.

Q. No; I am asking you? A. He told me—

Q. Never mind now; read my question. (Question read by stenographer.) You knew that 25 per cent. was to go to pay the police not to interfere with that matter? A. I did not believe the 25 per cent. did all go to the police.

By Chairman Lexow:

Q. Not all, but all but about five per cent.? A. I think Mr. Muldoon got the largest end of it at that.

Q. Have you any knowledge as to just what Muldoon paid over to the police? A. No, sir; I never could find out.

Q. Did you ever try? A. I asked him once what it cost, and he did not answer my question.

Q. Did he refuse to answer the question? A. Oh, he passed it off; I could not get an answer; I think casually I asked him once what he thought, and he in a polite way told me it was none of my business, so that was the end of it.

Q. As a fact did you pay the 25 per cent. to Muldoon? A. Yes, sir.

By Mr. Goff:

Q. Will you please answer that question; you knew that the 25 per cent. was to go to pay the police not to interfere with the matter? A. I took it for granted that the money was to be paid—a portion of the money was to be paid to the police.

Q. For that purpose? A. Yes, sir.

Q. Did you inquire from Mr. Muldoon what particular policeman—a police official—should get their share of the money? A. No, sir.

Q. Did he say? A. No, sir.

Q. Was there any mention of any names whatever? A. No, sir.

Q. Did he state his friend? A. Yes, sir.

Q. He made use of the words "His friend?" A. Yes, sir.

Q. You understood his friend was Superintendent Murray? A. Yes, sir.

Q. Well, then after you had your arrangement with Mr. Muldoon you were satisfied in your mind that you could under these conditions bring the match off? A. Yes, sir.

Q. The articles had been signed before this, hadn't they? A. Yes, sir.

Q. What was done then towards bringing the match off? A. I telegraphed Mitchell that everything was all right; and, as I said before, he telegraphed back saying he wanted a guarantee, and he would not go under those circumstances, and one telegram gradually followed another until a letter came declaring the whole matter off.

Q. Was not Mitchell made aware of the conditions under which the match should come off? A. Yes, sir.

Q. This 25 per cent.? A. Yes, sir; before he left New York.

Q. And now at this meeting in the World building that you have referred to, you say Mr. Mitchell expressed himself very strongly there about this money; didn't he use the words, "I

refuse to be held up," or "I won't be held up in that way by the police?" A. I tried to bring out in the meeting at the World office in the argument that occurred, I tried to bring out these facts; we required him to post \$10,000, an unusual thing; and in support of our claim we brought up the fact that he had given me his word to the extent of \$1,100, and had broken it disgracefully, and it was to show why we should demand this unusual thing; and in the discussion I tried to bring this thing out, and Mitchell sprang to his feet and made some very pertinent remark about the police, and I don't remember the language, but something funny, and laughed; but that was the way it was brought out; and to save himself from the charge that he had broken faith with me—

Q. I know, but when he refused to go into this arrangement to allow 25 per cent. of the gate receipts— A. He never refused, Mr. Goff.

Q. Do you remember saying that a third party had to come into this deal? A. Yes, sir.

Q. And Mitchell wanted to know who the third party was? A. Yes, sir.

Q. And you say the police? A. I told him that I refused to tell him the name of the third party.

Q. I know you did refuse to tell him the name of the person; but when he insisted on knowing what the third party was, you said it was necessary to settle with this third party for the police? A. I don't remember—that was the substance of it; I don't remember exactly the conversation; that was the substance of it.

Q. At the same time you said these words, that the person referred to, representing the police, wanted a third of the net receipts, and would insist upon putting his own men on the turnstiles and in the pay boxes? A. I do not remember ever making any such statement.

Q. Will you swear you did not make that statement? A. I would not swear I did not make a statement on something of that kind.

Q. Something of that kind? A. Yes.

Q. In substance? A. Yes.

Q. Of course, I don't want to pin you down to particular words, if you are uncertain about the words; but if the substance meets the sense of the substance of those words? A. Mr. Muldoon was to have an interest; he was to have a certain amount; so, in conducting that entertainment, Mr. Muldoon

was present at the counting at the box; Mr. Muldoon was paid 25 per cent.; and Mr. Mitchell had nothing to do with the arrangements; the Corbett-Mitchell thing fell through; I was stuck for this \$1,100; I then went to work and got up another entertainment, which they had nothing to do with and knew nothing about.

Q. Which Mitchell had nothing to do with? A. Yes sir; to save myself I had Corbett meet three men at the Garden; this was to save my \$1,100; and I accepted the proposition made to me by Muldoon with the Corbett and Mitchell arrangement; and in the arrangement he conducted the entertainment, had a man with him in the preparation of the entertainment, was present at the count-up, and received his share of the 25 per cent. of the gross receipts.

Q. And the police did not interfere? A. Yes, sir; the police did interfere.

Q. To what extent? A. A man was knocked down on the first round, and the moment he was knocked down "take him off."

Q. That was after one was knocked down? A. Yes sir; one knocked down; he was not hurt, "take him off."

Q. The third man? A. The third man, Mr. Corbett agreed not to knock out, and simply play with him.

Q. With whom was the agreement made; after the second man was knocked out, and you say he was not hurt but he was knocked down? A. Knocked down.

Q. Not hurt? A. No, sir.

Q. And the police rapped; who was it gave the rap? A. The captain of the precinct at that time; I—it was captain—let me see, it was O'Connor; I am under the impression it was Captain O'Connor.

Q. You are right; it was not Reilly? A. Either Reilly or O'Connor.

Q. Well, we will fix that; can you give us the month that was in? A. I know the exact date; it was February 16, of that year; I think it was February 16, 1890, or 1891.

Q. Now, the captain of the precinct stood upon the platform? A. He stood right down in the corner of the platform.

Q. Was that after the first two men were knocked down and were carried off? A. They were not carried off.

Q. Well, removed? A. Well, removed.

Q. The third man came on? A. Yes, sir.

Q. Because the understanding was Mr. Mitchell should meet three men there? A. Mr. Corbett was.

Q. And knock them out? A. Not to knock them out; it was advertised, "Corbett to outpoint three men," was the language of the advertisement; it was very carefully prepared by Mr. Muldoon; it was insisted there should be no knockout.

Q. To out point? A. To out point.

Q. After the first two men had been out pointed, and after the police captain had given a pointer with his club to take each man off, the third man was allowed to come on, wasn't he? A. Yes, sir.

Q. Now, you say Mr. Corbett agreed not to out point or knock down the third man? A. Well, the third man was a man of some prominence, and in getting him to go there at all it was necessary for Corbett to agree not to knock him out; we could not persuade this man that there would be no knockout allowed; he said, "No, I want an agreement I am not to be knocked out."

Q. Was that in writing? A. No, sir; it was one man to the other.

Q. Was the police captain made aware of that fact when the other man came up? A. Well, he could very well—the action of the man in coming on the stage would make him aware of that fact, because he brought on two large pillows in his hands and insisted upon Corbett putting them on; and Corbett had small gloves on his hands, and Lannon brought on 10-ounce gloves and insisted on Corbett putting them on.

Q. That was a clear indication that there was an understanding between them? A. It was a pretty fair understanding to any one that a man could not be knocked out with those gloves.

Q. With a pair of pillows? A. Yes.

Q. Now, Mr. Muldoon had his representative in the box office, hadn't he? A. He acted as his own representative; he was all over the place.

Q. Hadn't he some one engaged at the turn-stiles? A. No, sir; he did not; that night they broke the doors in on me; there was so many people there; it was very successful; and they broke the doors in on me quarter after 7, before Muldoon was there; and it was simply chaos after that.

Q. You may have lost a good deal of the entrance money? A. Yes, sir; I compute that I lost \$1,500 or \$2,000 there.

Q. However, of the money received, Mr. Muldoon received his 25 per cent? A. Yes, sir.

Q. Had you any other exhibitions at the Garden under similar conditions? A. No, sir.

Q. That was the only one? A. I have had other exhibitions there; but never any that there was an attempted interference with except one; I had, three days after Mr. Corbett defeated Sullivan, I had an entertainment there in which I very foolishly displayed a bill, and announced that there would be six-round bouts for money; and on my arrival from New Orleans I received a notification from Superintendent Byrnes that no such exhibition should take place, and notified me if there was a hard blow struck at the Garden he would close the whole thing up.

By Chairman Lexow:

Q. Is there any reason why the amount of the 25 per cent. should not be known?

By Mr. Goff:

Q. The gross amount of the 25 per cent? A. I think it was between \$1,100 and \$1,200; the receipts, I believe, were \$7,600; somewhere between \$7,000 and \$8,000, and the expenses were—anyhow his share was between \$1,100 and \$1,200.

Q. In this entertainment or exhibition you spoke of, had you any further trouble with the police; the one you spoke last about; after receiving the message from Superintendent Byrnes? A. No, sir; I received a notice from Superintendent Byrnes, and came near being closed up as it was; and I believed the Garden people saved me; and they went down and told Superintendent Byrnes that there should be no hard blows struck; it was the tamest kind of exhibitions.

Q. Did you pay any portion of your proceeds there? A. No, sir.

Q. For protection? A. No, sir; I did nothing to require protection; I announced nothing.

Q. Did you not know it as a custom, outside of paying a percentage of the proceeds, to make a little present to the police captain, a present on account of the men employed there? A. As I said, the previous entertainment I had there was my first, and the one that I am now referring to was my second, and I

took good care I should not give up my money, because the occasion was of such a great moment; this man was coming from New Orleans, and had just beaten Sullivan, and it was a reception of James J. Corbett.

Q. I am not asking if you paid for police protection, but I am asking you how in the sense of giving a gratuity or present to the policemen there on duty, or to the commanding officer of the police on duty; did you not give something? A. No, sir; the only unusual thing I paid in that entertainment, I think, I gave Sherwood \$50; I always gave Sherwood something.

Q. You understood it was for that purpose? A. Not in this case I did not.

Q. You were under no obligation to pay Sherwood? A. Yes; he stayed up the night before; he was of more assistance than any one in the Garden; I always gave him \$25, \$50, sometimes \$100; for instance, I gave a training exhibition there, and he worked all the night before, and I gave him \$100.

Q. Did you ever hear that Mr. Sherwood belonged to the police force? A. No, sir.

Q. This is the first time you ever heard that? A. Yes, sir; the first time.

Q. Now, I ask you about that \$250, that Schmittberger matter; now, we have it that you and Mr. Sanger substantially agreed about that transaction; now, how did you come to use the name of Schmittberger; just tell us the whole transaction? A. Will you let me make myself clear on that?

Q. Yes. A. Sherwood came to me and said you will need so much money; and you know when they get talking about those things, as you are no doubt aware, a man is always discreet, and Mr. Sherwood was a smart man, and he simply came and insinuated to me; and knowing what I was doing I took the insinuation, and I went to Mr. Sanger, and I don't remember the exact conversation with Mr. Sanger, but I am sure I gave Mr. Sanger to understand the money was going to the police, and whatever money I did get I went and handed it to Mr. Sherwood; Mr. Sherwood may have paid five cents or paid it all.

Q. Are you prepared to swear you never paid a dollar into the hands of a police officer, high or low, yourself; on your oath, are you prepared to swear that? A. I never paid a dollar personally to a police officer in my life.



Q. Why did you hesitate so long, Mr. Brady, in answering my question? A. Because in your question, Mr. Goff, you said, did I say I wanted the money for Captain Schmittberger; I do not want to answer that question, because I do not remember mentioning Mr. Schmittberger's name, I mentioned the police.

Q. I meant in relation to your last answer? A. I wanted to think; you put me on my oath; I wanted to think.

Q. You are under the solemn obligation of an oath? Yes, sir.

Q. Will you swear under that solemn obligation that in connection with any of these entertainments that you have had, that you have never paid any money of any amount to any police official of any kind or description? A. No, sir; never did.

Q. You never paid \$1? A. Never paid \$1 in connection with these entertainments.

Q. In connection with anything else? A. Oh, I may have given some patrolman on a beat \$1 or something of that kind.

Q. In connection with what? A. I can not remember.

Q. But you were not as a citizen under any obligation to give to a patrolman a dollar on the street? A. You asked me in my life did I ever pay a policeman any money; I may have paid a policeman for doing something for me.

Q. Have you any distinct recollection of anything now? A. No, sir; I have not; I never paid any amount of money to a policeman in my life.

Q. Do you know of money having been paid to a policeman, even though it did not go out of your hands personally? A. Well —

Q. For anything? A. For anything?

Q. For anything? A. You mean my money?

Q. I don't care whose money. A. I have heard; of course, I have read the proceedings of this committee, and I have heard —

Q. I mean in your business transactions, was there ever any money paid on your account by anybody else over to the police? A. Not that I know of.

Q. Will you swear there was none? A. Yes, sir.

Q. Will you swear you never handed money over to persons to pay money to the police on account of you or your business? A. Yes, sir.

Q. Never did? A. Never did.

Q. And outside of these matters that you have spoken, were you ever asked for money; outside of these matters that you have testified to, were you ever asked for money for the police by any person? A. No, sir; and in these matters I was not asked, except by another party.

Q. That is what I mean. A. I never had a policeman come to me and say, I have got to have so much.

Q. Were you ever asked by anybody other than policemen for money, other than the ones you have testified to? A. No, sir.

Frederick Gallaher, called as a witness on behalf of the State, was duly sworn, and testified as follows:

Mr. Goff.—There are some matters connected with our committee work, Mr. Chairman, that the district attorney wishes to talk to us about, and I request that we take a little earlier adjournment for recess than usual.

Chairman Lexow.—Shall we adjourn now?

Mr. Goff.—Yes.

Chairman Lexow.—Until 2 o'clock, or later?

Mr. Goff.—Say 2 o'clock; all witnesses to be here without fail at that time.

Chairman Lexow.—All witnesses subpoenaed this morning will attend without fail at 2 o'clock. The committee stands adjourned until that time.

#### AFTERNOON SESSION.

Senators and counsel appearing as before.

Fred Gallagher, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. What is your occupation? A. Associate editor of the New York Illustrated News.

Q. Did you know that distinguished visitor to our shores, Mr. Mitchell? A. For a great number of years.

Q. Did you act for him in any way? A. As manager.

Q. Now, you heard the testimony of Mr. Brady, here? A. I did

Q. And you heard Mr. Brady's testimony relating to the negotiations that were carried on between the representatives of Mitchell and Corbett for the first time? A. Yes, sir.

Q. Were you present at these negotiations? A. I was.

Q. All of them? A. In Centre street, the Clipper office in Centre street; and in the Astor House meeting with Mitchell.

Q. Now, Mr. Gallagher, will you please tell us what was said in reference to the negotiations relating to the police interference with that proposed match? A. At the meeting at the Clipper office nothing was said of police interference.

Q. That was the first? A. That was the first; the match was there made for Washington's Birthday, the 22d of February, 1892, to box six rounds in Madison Square Garden; Corbett and Mitchell; Mitchell and Slavin at the time was under my management playing an engagement in Hyde & Beam's theatre, Brooklyn; and within a few days after the match was made I received a telegram from W. A. Brady asking me to meet him in secret between 6 and 7 o'clock that evening, in the Astor House, Broadway; I showed the telegram to Mitchell, and he asked me what did I think was up; I suggested the propriety of his coming across the bridge to New York with me; but not to be in evidence during the interview which Brady asked by the telegram; I secreted Mitchell in a saloon on Park Row; and met Corbett and Brady at the Astor House; Brady opened the conversation by saying that he and Corbett had figured out the Madison Square Garden for their contest, and with Mr. Phil Dwyer selling the box tickets at public auction at the Hoffman House, and the thing being properly worked, it seemed to them that the house would run somewhere in the neighborhood of \$22,000; he said, "But there is something I want to tell you besides that;" he said, "There is a third party wants to come in;" I said, "How much does the coming in of the third party top up;" he said, "The third party wants a third of the net receipts, and to place upon the turnstiles and in the pay-box, on the occasion of the contest, his own men; I said "If I guess the third party, will you tell me;" he said, "I will;" I said "Is his name Mr. Policeman;" he said, "Yes;" and those were the only terms upon which we could get a permit for the 22d of February contest at the Garden; I then said that without conferring with Mitchell I wouldn't listen to any such piece of highway robbery; that I was Mitchell's manager, and that I wouldn't stand by while he was being held up for a blackmail such as was suggested; Corbett then asked me would it be possible for me to get Mitchell quickly to the hotel; I told him that not knowing the nature of the interview

that I had Mitchell in close proximity to the Astor House; I went down part of Park Row, and I met Mitchell; and he said so many people knew his appearance in the saloon on Park Row that he had come out and was going to stay outside the doorway of the Astor House until I came out; we went in, rejoined Corbett and Mitchell and Brady; the conversation and the terms were repeated by Brady to Mitchell; Mitchell said, "What does Gallagher say;" he says "That it is blackmail, and he would not stand it for a moment;" "Well," he says, "It is letting the police down very light."

Q. That is, Mitchell said? A. Mitchell said, "What has Gallagher said," he asked Brady, he being absent when I spoke; Mitchell in anger turned on his heel and said to the two of them, "I presume now, I needn't bother about training;" he had taken training quarters at Carroll's on the Boulevard at Coney Island, and I made him consider after this proposition that this match is off; Mitchell continued his engagement at Hyde & Beaman's and remained in the country January, February and March and arrived home with me in Europe the first week of April.

Q. Was there anything said at that interview as to the aggregate receipts of the Garden?

Chairman Lexow.— He said \$22,000.

A. Something in the neighborhood of \$22,000.

Q. And about \$7,000 of that was to go to the police? A. Put it at \$21,000, take \$1,000 off, presuming the night might be wet or unfavorable or some other reason for a bad house; the demand was a third of \$21,000 — \$7,000 net.

Q. Were there any names mentioned? A. Yes, one.

Q. What was the name? A. Mitchell with me went back that evening immediately after the interview to the Clarendon Hotel in Brooklyn; we were speaking and he said as we were crossing the bridge "that is old man's Murray's doing."

Q. Were you aware that Muldoon was the go-between? A. No, sir; I never saw Muldoon on the scene, nor have I ever heard his name in connection with the match until I did to-day at this sitting.

Q. It is the first time you heard who the go-between was? A. Absolutely the first.

Q. Was there any name mentioned at all by Brady or by Corbett? A. I guess in that vague way — Mr. Policeman; and he said, "Yes, the police makes those terms and we can not get a permit for the show until we agree to those terms."

By Senator Pound:

Q. Who was it said the police made those terms? A. Brady.

By Mr. Goff:

Q. Does anything else occur to your memory now that you have not stated in connection with the transaction? A. Well, I heard Mr. Brady's testimony to-day in which he insinuated that Mitchell had sneaked out of the match and had gone away; Mitchell as matter of fact remained for three months in the country afterwards, and met at the end of the three months both Brady and Corbett.

Q. Had you had any experience in these entertainments in New York? A. Yes; I have run Sullivan through his English and Irish tour; Peter Jackson, Peter Mahar, Mitchell and Slavin.

Q. Did you give any entertainment in Madison Square Garden? A. No, sir.

Q. Or in any other hall in New York? A. Not in New York, in Brooklyn, Chicago, New Orleans, St. Louis, Louisville, Nashville, and we were en tour for over three months, ending up with the Mardi Gras week in New Orleans.

Q. You had no opportunities for having personal knowledge of the police relations? A. None whatever.

Q. Of these entertainments or exhibitions in New York city? A. None whatever; I never had a show in New York city; but elsewhere we never handed over any money to the police for any purpose.

By Chairman Lexow:

Q. In any of these other cities that you have mentioned? A. In none.

By Mr. Goff:

Q. Were you asked in any of the other cities? A. Never.

Q. You are pretty well acquainted with sporting men and of the business of getting up these entertainments even in New York, are you not? A. Surely.

Q. Was there a common rumor; was it not generally understood among men engaged in this business that the police had to be paid for permission to give these entertainments or

exhibitions? A. Mitchell day after day railed against the police; he was continually kicking against it, and openly stated in the World building, in the presence of Brady, that it was the police interference that had broken up that match, and Brady agreed with him that it was so and that no one was to blame but the police; and Mitchell said, "Well, in a place like this, it is better for us not to speak of these matters, in the World building."

Chairman Lexow:

Q. The question of counsel was as to whether you knew of any general rumor among those engaged in the same pursuit as you and those with whom you traveled, that it was necessary to pay for police permission in the city of New York? A. Yes; there is a rumor.

By Mr. Goff:

Q. Commonly understood? A. Very commonly understood, that you can not get a permit for any of these boxing competitions, particularly if they run for six, eight or 10 rounds, without, in vulgar terms, squaring the police.

By Chairman Lexow:

Q. Have you had any experience in London and Paris and Berlin? A. Yes; not in Berlin; in Paris, I have

Q. In any of the large continental cities? A. Only in Paris.

Q. Not in Berlin? A. Not in Berlin.

Q. Only Paris and London? A. Only Paris and London.

Q. You gave exhibitions there? A. We gave exhibitions in London, Dublin, Cork, Belfast, Limerick and Paris.

By Mr. Goff:

Q. In any other English cities besides London? A. I have been engaged too, not altogether on my own account, in a similar competition in Liverpool.

Q. In any of these exhibitions or entertainments that you were connected with in England, or in Ireland, or in the city of Paris, was any demand ever made upon you, or any intimation by the police authorities that money would have to be paid before you could get a license or permit? A. As far as paying

the license, no such thing is ever heard of; if you have a large crowd, and you want a number of police to keep order, you apply in the ordinary course of affairs for a superintendent, and for a number of sergeants and men, and they charge for it through the police department a very small sum for their attendance.

Q. It is a public matter? A. A public matter and recorded in the commissioner's office; there is a fixed scale of charges, so much per head for a policeman and so much per head for the sergeants, and two inspectors and a superintendent, who superintends the lot; that is public money, accounted for in the record of the commissioner's office and it is paid openly.

Q. Before you give such an entertainment you know in advance that you have to make that application and to pay a pro rata? A. To the shilling.

Q. You can estimate it to the shilling? A. Yes; they have got a scale of charges, the ordinary constable so much, sergeants so much, inspectors so much, and superintendent so much much.

Q. Does that rule obtain in England and Ireland? A. Yes, sir.

Q. How about Paris? A. In Paris the police attend in the interest of peace and good behavior, and they don't make any charge.

Q. No charges made in Paris? A. No; the gendarmes don't make any charge.

Q. Have you to pay any gratuities in Paris? A. I never have paid a policeman a shilling.

By Chairman Lexow:

Q. Never been asked? A. Never been asked; they come sometimes for tickets for their friends and favors like that, but money is never mentioned.

By Mr. Goff:

Q. In the cities of England and Ireland there are the regular schedule rates provided for by law? A. Yes, sir.

Q. Have you ever been asked for anything outside of that? A. Never.

Q. Even free tickets? A. Oh, yes; the chief of the detective force, I have gone to him, and said, "Can I do anything for you;" "Well, can I have a few tickets for the competition;" "Certainly;" well I would give them to him and very glad to get those people in.

Q. You would get off with two tickets? A. Sometimes; it sometimes might be half a dozen, but not very often.

By Chairman Lexow:

Q. How much would be the value of these tickets? A. It would depend upon the seats; the best seats in Dublin for a competition when Slavin made his appearance there, the first seats were sold at \$2.50.

By Senator Pound:

Q. They always had the best tickets? A. There was always plenty of room in the best places; the other parts were crowded.

By Chairman Lexow:

Q. Then as far as your experience goes both in America and Europe, New York stands solitary and alone upon this question of blackmail? A. I think it has a unique individuality.

Gustave Dorval, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. What have been your relations to the French society? A. I have been the president for the last three years.

Q. You are president now? A. Yes, sir.

By Chairman Lexow:

Q. Is that the Cercle de l'Harmonie? A. Yes, sir.

By Mr. Goff:

Q. Give us the full title of the society? A. Cercle Français de l'Harmonie.

Q. Have you had the privilege of the bar of that society at balls for various years? A. Yes, sir.



Q. How many years? A. Well, at different intervals for the last 10 years, I should say.

Q. How much have you paid per year to the police? A. I never paid anything.

Q. Who paid for you? A. Nobody.

By Chairman Lexow:

Q. Directly or indirectly? A. No, sir.

By Mr. Goff:

Q. You understand that you are under oath here? A. Yes, sir.

Q. Do you believe in the obligations of an oath? A. Yes, sir.

Q. How much used you to pay for the bar privileges? A. Well, it depends.

Q. What have you been in the habit of paying? A. The amounts have been different every year very nearly.

Q. How have the amounts been fixed? A. By the ball committee.

Q. What has been the average? A. Four or \$5,000.

Q. Four or \$5,000? A. Yes, sir.

Q. Well, you generally have made a profit? A. Yes, sir.

Q. Not always? A. Not always.

Q. Sometimes you lost? A. Yes, sir.

Q. And when you lost did you seek to be reimbursed by the society? A. No, sir.

Q. Did you ever make a demand upon the society to reimburse you for your loss? A. I think once.

Q. And how much were your losses? A. I don't remember what the losses were, but I think the society granted me \$1,000 one year, as much as I can remember.

Q. What did they grant you \$1,000 for? A. Because the sale of wine was stopped at 1 o'clock.

Q. The years in which the sale of wine was not stopped at 1 o'clock, you made a profit? A. Yes.

Q. With every year except the one, 1889? A. I think twice; yes, sir; if my memory serves me right.

Q. Well, of course, Mr. Dorval, you know each year that it was against the law to sell after 1 o'clock? A. I don't think so, sir.

Q. I am not asking you what you think, now; I am asking you if you did not know? A. I did not.

Q. What is your business? A. Hotel-keeper.

Q. Have you a license in your hotel? A. Yes, sir.

Q. St. James'? A. Yes, sir.

Q. Don't you know that under your license you are not allowed to sell after 1 o'clock? A. Yes, sir.

Q. Why have you any doubt about it then with regard to the application for a license at the Madison Square Garden for your ball? A. I think you are mistaken about the place; at Madison Square Garden we always had an all-night license.

Q. You say you had an all-night license? A. Yes, sir.

Q. Who gave you an all-night license? A. The excise board.

Q. What? A. The excise board.

Q. Who got the license? A. The Madison Square Garden.

Q. Who got the license? A. The Madison Square Garden Company.

Q. Did you ever see it? A. They guaranteed us they had it, so it must be true; I never asked to look at the paper.

Q. Who told you that there was an all-night license obtained from the excise board? A. The directors.

Q. Name me some one? A. Well, I know Mr. Wharton, who used to be the vice-president; I think it is embodied in the lease, if I am not wrong.

Q. Embodied in the lease that you were to have an all-night license? A. Yes, sir.

Q. How long ago is that that you had it embodied in the lease? A. Since Madison Square Garden is built; if I am not wrong.

Q. How many years has Madison Square Garden been built? A. I think four; I wouldn't dare exactly say.

Q. Now, you as a hotel-keeper, as a man engaged in connection with these French balls, do you not know as matter of fact, until the recent new excise law was enacted, there was no such thing as an all-night license under the law? A. Well, it was construed that serving meals you had a right to serve wines.

Q. I know; you have stated that a license was obtained from the excise board? A. That is for Madison Square Garden; that is right.

Q. But for an all-night license? A. Yes, sir.

Q. Before the last— A. Not before four years.

Q. I am speaking of now in 1889, for instance, when you lost; when the door was closed at 1 o'clock? A. Yes, sir.

Q. You had not an all-night license that year? A. No, sir.

Q. Eighteen hundred and eighty-eight, you had not an all-night license? A. No, sir.

Q. And you sold after 1 o'clock? A. Yes, sir; in the supper-room only.

Q. No matter where it was, you sold after 1 o'clock, and that was a violation of the excise law — come Mr. Dorval, you know that? A. I am listening to you; yes, sir.

Q. And the police were present? A. Yes, sir.

Q. And you had to pay to be allowed to sell after 1 o'clock? A. No, sir.

Q. What, do you mean to accuse the police force of the city of New York of standing by and allowing you to violate the law without a consideration? A. I don't know.

Q. Will you swear that is a fact? A. It is a fact, yes, sir.

Q. It is a fact? A. That is that I sold wine with suppers after 1 o'clock.

Q. My question is, will you dare to accuse the police force of the city of New York with permitting you to violate the law except upon payment of a consideration to them—will you dare do that? A. Yes, sir.

Q. You do? A. Yes, sir.

Q. You are the bravest witness that has been in that chair since this investigation has opened; now do you understand my question? A. Yes, sir.

Q. You are not afraid of the police, are you? A. No, sir.

Q. You are not afraid of the consequences? A. No, sir.

Q. Do you mean to say that the police of New York city saw you violate the law and didn't intend to stop you? A. I suppose so.

Q. Isn't that the fact? A. It is; mind you, Mr. Goff, I must tell all the truth.

Q. That is what we want? A. They told me that I could not sell wine except in supper-rooms.

Q. In what? A. In rooms where meals were served, if you like better; they closed my door at 1 o'clock.

Q. And instead of selling it over the bar you sold it in the supper-room? A. Yes, sir.

Q. The police saw you sell it? A. I suppose so.

Q. And in fact the police sampled some of the wine? A. I don't know. |

Q. Don't you know it is a fact? A. No; I never saw a man drink there in uniform, no, sir.

Q. Did you see a policeman not in uniform drink? A. Might, I wouldn't swear to that. |

Q. Will you swear you did not? A. I wouldn't swear that, no.

Q. Now about sending the wine out to them by your bartenders or waiters — did you ever send? A. No, sir.

Q. Did you ever know it to be done? A. No, sir.

Q. You have made up your mind, Mr. Dorval to lie through this whole business? A. No, sir; I have no reasons.

Q. I am asking you the fact if you have not made up your mind, as you sit there on that witness chair and look at me squarely in the eye if you know that I do not know you are lying? A. Certainly, I do not lie. |

Q. You have made up your mind to it? A. I have made up my mind to tell the truth. |

Q. You swear to that? A. Yes, sir. |

Q. You mean to tell us here, and do you think we believe you, that the police allowed you to sell wine after 1 o'clock at the French ball without you having to pay for it; do you mean to say we believe you when you say that? A. I do.

Q. You think we believe you? A. Yes, sir.

Q. Have you ever been in the insane asylum? A. No, sir.

Q. You are not suffering from paresis, are you? A. No, sir; I don't think so.

Q. What was the allocation of \$500 given to you by the society for? A. There is something else.

Q. There is another allocation? A. That was not an allocation; that is what the minutes of the society say.

By Chairman Lexow:

Q. Do you remember about that item without refreshing your memory by the books? A. Yes, sir; we deposited \$500 to secure counsel, when Mr. Moss there started a suit or mandamus against the police board, to enjoin, to command, the police to enforce the law. |

Q. Say that again? A. We deposited \$500 retainer fee with our lawyer to defend that case that Mr. Moss had brought against the police board, a mandamus, or whatever you call that; I am not acquainted with the legal form.

Q. With whom did you deposit the \$500? A. Leventritt.

Q. Did you ever get it back? A. Yes, sir.

Q. Then the suit was not commenced? A. I don't know, the suit came off; I think Mr. Leventritt charged us \$150 for attending to the suit and returned the balance.

Q. Do you remember what year that was in? A. I couldn't tell you exactly; it must be five years ago, I should judge.

Q. Don't you remember that the Supreme Court by Judge Daniels decided at that time that there was no law which permitted the sale of wine all night? A. Yes, sir.

Q. Do you remember that? A. Yes, sir; something to that effect; that is the year we didn't sell.

Q. That is the decision of the court? A. Yes, sir.

Q. Now at that time you lost because you didn't sell? A. Yes, sir.

Q. Well, how is it that you made a claim upon the society for reimbursement for loss? A. Well, I explained my loss.

Q. What was your loss? A. Well, I couldn't sell after 1 o'clock.

Q. But you had been selling after 1 o'clock? A. In former years?

Q. Yes. A. Certainly.

Q. You had made money by the operation? A. Yes, sir.

Chairman Lexow.—You understand, do you not, that there is no intention of making it unpleasant for you; we simply want to get the facts in this case.

The Witness.—Certainly.

Chairman Lexow.—So many reputable merchants have testified to having bribed the police of this city that you ought not to be behind hand if you have done the same thing to follow their example, to enable us to formulate proper legislation to meet this evil.

Q. I find an item here, January 31, police, \$79; what does that mean? A. I don't know, sir.

Q. I find an item here of an allocation to you of \$500. A. That is the same one that was to defend that case in court.

Q. No; it was not; pardon me; was it not, according to your minutes here, to allay the prejudice against the sales of wines after 1 o'clock? A. If you let me read —

Q. No; I am asking you? A. I don't remember; it must be the same amount.

Q. Will you swear that that was not the case, that \$500 was paid to allay the prejudice against the sale of wine after 1 o'clock? A. I don't understand the question.

By Chairman Lexow:

Q. To remove prejudice that existed in certain directions against the sale of liquor after 1 o'clock? A. That is the lawsuit; you are right if it is that.

Q. You spoke of \$1,000? A. No, no; the lawsuit was first, \$500; and then after the ball, the society voted me \$1,000 reduction, because I lost money; those two amounts were the same year.

Q. Was it not after the ball was over that you claimed the money, and \$500 of the \$1,000 were to allay the prejudice against the sale of wines after 1 o'clock? A. Well, if you call it allaying prejudice; it was court matter; it was a Supreme Court case.

Q. I am speaking of \$500 out of the \$1,000? A. And the other \$500 were for me?

Q. Yes. A. That is right.

Q. Now, who was the person to whom the \$500 were paid? A. I explained it to you, our lawyer; I deposited a check for \$500 as attorney's fees to defend us; when that law suit was brought by the society, whatever the name exactly is, we selected a lawyer to defend our interests in that particular mandamus case, or whatever it is.

Q. But, Mr. Dorval, you were not in that case at all, it was a proceeding against the police board, and not against you, not against the French society? A. I know, but it was to prevent us to sell wine.

Q. The proceeding was not brought against you, it was brought against the police commissioners, is that not true? A. Yes, sir; that is right.

Q. Here I find two items of \$500 in the month of February, 1889, one \$500, what you call the litigation, that is on the 8th; now, there is another item on the 26th of \$500 to you for an allocation? A. That is the two amounts; it is always the same thing.

Q. But the allocation to you was to allay the prejudice. A. I beg your pardon, sir; that was after the ball to — what you call that?

Q. Compensate? A. To compensate, that is right; to compensate my loss.

Q. But it was the \$500 that you paid out to the police that was your loss? A. I beg your pardon, I never paid no \$500.

Q. You mean to say here that during the 10 years that you had been connected with the French society that you had not paid out or directed money to be paid out to the police at each and every ball that was given in Madison Square Garden? A. Except \$100 for the license; never.

Q. I did not ask you about the license—you mean to swear that? Yes, sir.

Q. You do not know what that item of \$79 to the police is for? A. No, sir.

Q. Do you remember the date of the ball in January, 1891? A. I think I had nothing to do with it.

By Chairman Lexow:

Q. Did the society promise you protection against police interference, Mr. Dorval? A. No, sir.

Q. Then this payment to you of \$500 or \$1,000 to compensate you for loss, that was not based upon any idea of liability on the part of the company, because on that particular occasion you had not received commission, was it? A. No; it was a friendly act from members of the club.

Q. Was this the only time that you ran behind in your earnings there? A. Yes, sir.

Q. And this was the only time that the police interfered? A. Well, they interfered as I explained before.

Q. In other words mandamus proceedings had been brought and this was the only time in 10 years that you made no profits out of your bar; the result of the mandamus proceedings was that you were compelled to keep yourself within the law, and the result of that was a loss to you, and the society gave you \$1,000 to compensate you for that loss? A. That is it.

Senator Lexow.—I think we can draw conclusions from that statement of facts.

Constantine de Grimm, being duly sworn, testified as follows:

By Chairman Lexow:

Q. You are a French scholar, Mr. de Grimm? A. Yes, sir; I have been four years editor of the Paris paper.

Q. You understand the French language perfectly? A. Yes.

By Mr. Goff:

Q. I wish that you would translate for us the substance of the matter relating to the payment or allowance of \$500, and the discussion relating thereto upon page 108 under date of the 17th of February, 1889, of the minute-book of the French society?

A. The proces verbal—meeting of the 17th of January, has been read and adopted.

By Chairman Lexow:

Q. Proces verbal is the minute of the meeting, is it not? A. Yes, sir; the president reads two letters which he has received, the one from Mr. H. Pistot, the other of Mr. LaGarde, a protesting vote against a decision taken by the committee of the last ball to allow a reduction of \$500 to Mr. G. Dorval, in consideration of the prejudice which has been caused by the interdiction to sell wines and liquors from one after midnight.

Q. One o'clock? A. One o'clock; the ball has taken notice of this protest, and while they insist in believing that he had lawfully the right to take this position they (the board) do not strive for the moment to justify and will bring the question before the general meeting, the board, to go to the end of the discussion; the president asks Mr. LaGarde to explain the sentence in the last paragraph of his letter, which seems to incriminate the iniquity of the committee; Mr. LaGarde gives explanations very little satisfying.

Q. Very unsatisfactory explanations? A. Yes; and always declares that he had never had the idea of attacking the integrity of any one of the members of the committee; Mr. A. Javetot proposes that the assembly, the meeting, votes secretly.

Q. Secret ballot? A. Secret ballot on this question, to know whether the committee of the ball had or not the right to take this incriminating decision.

By Mr. Goff:

Q. The decision here has reference to the decision of the society at large? A. Yes.

Q. Now, I ask you on page 110, I want you to read the paragraphs I call your attention to there on page 110? A. Mr. L.



Isabeaux proposes to allow \$500 to Mr. Derval, an allowance of \$500 to Mr. G. Dorval as an idemnity for the prejudice which has caused the interdiction of the sale of wines and liquors; Mr. C. Gusseaux seconds this proposition; Mr. LaGarde says, that this proposition could not be voted that way in a hurry without having been studied thoroughly; he suggests, he moves, that a committee of three members should be elected for examining this subject and make a report at the next meeting; this proposition is seconded and adopted by Mr. B. Simon, W. Ford Wingler, A. Brent, which are elected members of this committee; then they go to the other order of business.

Q. Now, I wish you would read me an item on page 76, under date the 8th of February, 1889? A. "Ball, 1889, state of litigation, \$500."

Q. Now, read the item on page 77, that I point out to you of the 26th of February? A. "Amount allowed to Mr. Dorval, allocation, \$500."

Chairman Lexow.—That seems substantially to corroborate the witness' statement on the chair here.

Joseph Weill, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. What is your business? A. I am interpreter of the Third District Court.

Q. That is under Civil Justice Moore? A. Yes, sir.

Q. Are you an officer of the French Society? A. I am.

Q. De l'Harmonie? A. I am.

Q. What office do you hold? A. I am secretary.

Q. Now, the book that Mr. De Grimm has translated from, what is that book? A. That is a minute book.

Q. I hand you this book here, indorsed "Cash" — what is this book? A. That is the treasurer's book.

Q. Is the treasurer here? A. He is not.

Q. You are the secretary? A. I am.

Q. Financial secretary? A. Recording secretary.

Q. Have you anything to do with the finances? A. I have not.

Q. Do you know anything about them? A. In a general way; I am a member of the board.

Q. I will take it at page 103 of this treasurer's book, January 31st, Police, \$79; what is that item? A. That year, the year 1890; that is the only year that the society gave the

whole ball without selling any privileges; that is the reason you find those expenses.

Q. What I want to know is what they are? A. This \$79, if I recollect right, and I think I do, is for supper for 79 policemen on that day, on that night at least, at the Metropolitan Opera House.

Q. Seventy-nine policemen—are you clear about that? A. I am.

Q. Will you turn to page 177, on January 31st, there is an item there of \$450, the steward—what is that? A. Steward's wages; the only money he gets are his wages.

Q. What are his wages? A. His wages are \$150 a month.

Q. One hundred and fifty dollars a month? A. Yes, sir.

Q. Is he not paid every month? A. Well, sometimes he is not paid every month; especially in July, in summer; he lets it go two or three months, and renders his accounts together.

Q. Look at January 30th there, police permit, \$100; what is that? A. To pay to the police department for a license.

Q. What license? A. For each ball license, for a permit.

Q. One hundred dollars? A. Yes, sir.

Q. By the way, Mr. Weill, what was the charge made by the police for high-kicking at the ball? A. High-kicking.

Q. Yes? A. I don't know; I didn't see any policemen kick high there.

Q. You didn't see the police kick high? A. No, sir; for that reason they couldn't charge anything for it.

Q. Was there any high-kicking by anyone? A. I didn't see any, Mr. Goff.

Q. You think you are smart, now, don't you? A. I don't think I am smart; I am just answering your questions.

Q. You think when you answered that you did not see the police do any high-kicking, you think you are smart; do you not? A. You asked me the question.

Q. You knew very well that that question was for something different? A. Well, I didn't see any high-kicking.

Q. Now, don't be so smart; confine yourself to what is common understanding; you know I did not mean any such thing, and the question didn't justify your impertinent answer? A. I didn't intend it to be impertinent.

Q. You intended it to be? A. No, I didn't intend to be impertinent.

Q. If you are an office-holder yourself, do not think you are in the Third District Court, you are here as a witness, not to

be smart, but to answer the truth? A. I am answering your questions.

Q. I ask you the question if the society were not compelled to pay to allow high-kicking on the floor — do you understand that? A. I do, and answer you they did not.

Q. Do you mean to say it was never brought up in the society, or any discussion ever had in this society that the police insisted upon being paid — A. Never.

Q. Will you wait for the question, God help the witnesses you have to interpret for; you mean to say that the police never demanded money or that it was never spoken of in the society about their demanding money to allow high-kicking to take place at the balls of the society? A. Never.

Q. Don't you know as matter of fact, that your society has been a standing disgrace to New York for years? A. I do not

Q. Never heard of that? A. No, sir.

Q. This is the first time you ever heard of it? A. This is the first time I ever heard any such expression, yes, sir; about our society, it is just as honorable a society as any other society in New York.

Q. I ask you if the balls given by your society known as the French ball, every year has not been a standing disgrace for the indecent exposures, the drunkenness of men and women, for years in the city of New York? A. No, sir.

Q. It has not? A. I didn't hear so; no, sir.

Q. Perfectly orderly ball? A. As orderly as any other ball, yes, sir.

Q. Perfectly orderly? A. Perfectly orderly.

Q. And a ball which occupies for decency the same respect as the ball for orphans of a Charity ball? A. The Charity ball is not a mask ball.

Q. The Charity ball is not a mask ball; I suppose your ball is just as decent and orderly as the Charity ball? A. I suppose; yes, sir.

Q. You know it? A. I never was at the Charity ball.

Q. Ever been at the Liederkrantz? A. Yes, sir.

Q. And at the Arion? A. Yes, sir.

Q. And your ball is just as orderly as the Arion? A. In every respect.

Q. And nothing takes place at your ball but what takes place

at the Liederkrantz or the Arion, so far as high-kicking is concerned? A. Sir?

Q. There is nothing that takes place at your ball but that takes place at the Liederkrantz or the Arion? A. Just the same as any other mask ball.

Q. You are here under an oath? A. Yes, sir.

Q. You state before this committee and in the presence of the press of America, that the French ball annually given by your society has been a thoroughly reputable, decent, orderly entertainment and exhibition every year? A. Yes, sir; as far as we can keep it; as far as it is possible to keep it so.

Q. I am not asking as far as it is possible to keep it, I am asking you your opinion? A. I never saw anything there.

Q. And all the reports in the newspapers, and the illustrations of the horrible indecent exhibitions by the prostitutes who go there, are all untrue, are they? A. I never saw —

Q. Are they all untrue; are all those reports and illustrations of this horrible, indecent exhibition at your ball — are they all untrue? A. If there are any such reports they are untrue.

Q. I am not asking you "if"? A. They are untrue.

Q. They are untrue? A. They are untrue.

Q. You have read in the newspapers about certain clergymen preaching of the indecencies of the ball? A. Yes, sir.

Q. And you have read in the newspapers about Jefferson Market police court being crowded with the drunken prostitutes and their escorts, who were arrested going home from the ball, have you not? A. I have seen people arrested at the ball.

Q. You are down there at the Jefferson Market police court; you are upstairs in the same building? A. Yes, sir.

Q. And yet in the face of that you say your ball is thoroughly orderly and reputable? A. Yes; in the ball-room; yes, sir; if people got arrested they got arrested outside.

Q. And you wish to be understood that your very high commendation of the French ball reaches also to the transactions that take place in the private boxes? A. I suppose so.

Q. Perfectly decent there too? A. I never saw anything indecent there, no, sir; in the boxes any more than on the floor.

Q. Do you go en masque there? A. No, sir.

Q. Do you put on goggles when you go? A. I don't; I go just as I am here, in dress suit.

Q. A well-known clergyman of this city in the New York Herald of Sunday, February 11, 1894, gives his views of your

ball; I read from the headlines: "Dr. Peters at the French Ball. What a Clergyman Saw at the Madison Square Garden last Monday Night. Scenes of Vice and Revelry. Little Dancing, but plenty of Wild Carousing and a prolonged Night of Wine Drinking"—all that untrue? A. There was wine drinking there, yes, sir.

Q. Is all that untrue? A. Part of it is untrue.

Q. Which of it is untrue? A. If he speaks about carousing, that is untrue.

Q. Carousing is untrue; is a prolonged night of wine drinking true? A. There was wine drinking.

Q. That was true? A. That was true.

Q. Scenes of Vice and Revelry—is that portion of the headline true or untrue? A. Well, I didn't see any vice there.

Q. I am not asking you what you saw? A. I can only testify to what I saw.

Q. Is it true—you were there? A. Not from what I saw.

Q. So that the individuals who indulged in the scenes of vice and revelry took care to develop this before this clergyman and to escape your observation, is that so? A. I didn't see that; if the Rev. Dr. Peters wrote that, may be he seen it, but I haven't seen it.

Q. You have testified that the ball is orderly and decent? A. Yes, sir; it is.

Q. And if it be orderly and decent and Mr. Madison Peters wrote this, describing scenes of vice and revelry, he must have written what was not true? A. Yes; he must have written what is not true.

Q. Mr. Peters says here, in part, "Let us now turn from the upper to the lower boxes, the lower boxes were filled with the demi monde, some of whom fell out of the boxes on the floor dead drunk." A. That is not true.

Q. But the wine-room, the reverend gentleman says: "But the wine-room proper must be seen; a description of the sights enacted here would pale the vision of Bacchus. I first looked in with a shudder as though I had looked in a window of hell, and I thought if, according to some people's theology, there is no hell, what would become of such people in the next world; they surely could not be with the good; they must be together, where the unholy passions that reign in them would soon make a hell." Did he write truly when he wrote that? A. It may be according to his opinion, but not to mine.

Q. Never mind the opinion? A. To my opinion it was not a hell; it might have been to his opinion; he is a clergyman, and I am not.

Q. Certainly the Mohammedans regard Paradise in a different way from the way we regard it? A. I didn't regard it as a hell.

Q. Possibly you felt at home in it, and consequently happy; therefore you did not regard it as hell? A. I didn't regard it as a hell.

Q. He says there is not in all New York to-day a single sheet sensational enough to publish the putrifying details of vice and shame connected with the French ball—was that true when he wrote it? A. That is true; there was no sheet.

Q. He said there was no sheet vile enough? A. Oh; there was no sheet that would publish anything.

Q. No, no; now I warn you not to indulge in your proclivities for cheeky humor here; a man who goes on the stand and deliberately perjures himself, as you are doing? A. I don't perjure myself.

Q. Listen to my question? A. I don't perjure myself; and I don't want it to be known or thought that I perjure myself; I never perjure myself.

Q. There is not a living soul in this court-room but who knows and believes that you are perjuring yourself? A. I don't believe anybody here thinks so.

Q. Listen to me; the Rev. gentleman writes, "There is not in all New York to-day, a single sheet sensational enough to publish the putrifying details of vice and shame connected with the French ball." When he wrote that did he write what was true? A. Not to my impression; no, sir.

Q. Not to your belief? A. Not to my belief; no; not in my belief.

Rene Dupre, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff.

Mr. Goff.—Mr. DeGrimm, will you act as interpreter?

Mr. DeGrimm.—Yes, sir.

Q. Mr. Dupre, you belong to the French Cook's society? A. No; I don't.

Q. What society do you belong to? A. I am not a member of any society.

Q. Had you the bar privileges of the Cooks' Society? A. Yes, sir.

Q. That is not the same society that Mr. Weille belongs to, the French Circle? A. No, sir.

Q. It is the French Cooks'? A. French Cooks'.

Q. And at the ball of the French Cooks', the guests bring their families there? A. Yes, sir.

Q. Now, in 1892, did you have the bar privileges for the ball of the French Cooks' Society? A. Yes, sir.

Q. And how much money had you to pay to the captain of police at that time? A. I paid \$150 at 1 o'clock.

Mr. Goff.—I beg leave to interject an observation here, that although Mr. Dupre is a foreign-born citizen, he is a man we need not be ashamed of.

Q. Did you pay that money, Mr. Dupre, to be enabled to sell wines and liquors after 1 o'clock? A. To have the freedom.

Q. To have the freedom for the sale of wines and liquors after 1 o'clock? A. And permission for lights.

Chairman Lexow.—To be undisturbed.

Q. To what captain did you pay that money? A. It was no captain; it was two sergeants.

Q. Do you remember their names? A. I don't know them.

Q. They were sergeants of the Nineteenth precinct? A. I don't know.

Q. Where was the ball held? A. In the Metropolitan Opera House.

By Chairman Lexow:

Q. Ask him whether the sergeants were in uniform? A. Yes; both of them were in uniform.

Q. How does he know they were sergeants? A. He has no reason to believe specially they were sergeants; he thought so; it could also have been policemen.

Q. Were they in uniform? A. Yes.

By Senator Bradley:

Q. Ask him if they had any gold stripes on? A. I didn't notice that.

By Mr. Goff:

Q. What did they say to you? A. They have just simply and plainly asked me for that money, on account of giving me the opportunity to act as before 1 o'clock; and to have the light.

By Chairman Lexow:

Q. What does he mean by the light? A. The gas.

Mr. Goff.—They said they would order the gas turned off; that is the way they have of putting it.

Senator Bradley.—This was for extra gas.

Mr. Goff.—That is the way they have of putting it in these places; well, we will turn off the gas unless you pay.

By Mr. Goff:

Q. Do you know if the captain of the precinct was there that night? A. No.

Q. Or the inspector? A. I was very busy; I don't know.

Q. Had you not to give wine or meals to the policemen that night? A. It was not me who was in charge of that department.

Q. Who had charge of that department, Mr. Dupre? A. The society of the cooks.

By Chairman Lexow:

Q. Just ask him to repeat, as nearly as he can, the words used by the policemen in demanding this \$150 from him — the conversation? A. They plainly told me that they wanted \$150 for that ball occasion.

Q. For that occasion? A. Yes; for that occasion.

By Mr. Goff:

Q. Has anyone been to you and asked you not to testify before this committee? A. No; nobody.

Q. Has not there been some person to ask you not to testify that you paid money to the police? A. No, sir; nobody.

Julius Weber, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. Have you been president of the society known as the French Cooks' Society? A. Yes, sir.



Q. Do you know, Mr. Weber, if that society, on the occasion of giving its annual ball, had to pay policemen for any privileges extended to it? A. Not for any privileges, Mr. Goff.

Q. Well, for anything, Mr. Weber? A. We have been in the habit, for years, of paying \$50 every year to the police, but this was not as a matter to get any privileges, it was merely for the policemen to get supper after midnight, as it was put to us; we didn't want any privileges; we didn't need any.

Q. You did not violate the law; you did not ask for any consideration at all? A. No, sir.

Q. But it had been the habit of the society? A. For years; as long as I remember it was paid, \$50; it was divided among the policemen after midnight, during my presidency, as much as I remember.

Q. Who handed over that money for the purpose of paying the policemen? A. Well I couldn't tell exactly; the ball committee had charge of that, not the president directly; sometime it was the treasurer, sometimes anybody that was around the ticket office where the money was handy.

Q. Do you remember of any complaint being made, or demand, that the captain of the precinct demanded that money should be given to him directly, instead of to the policemen? A. No, Mr. Goff; never.

Q. Now, about the bar; of course, we all understand the operations of the Excise Law; but was it not a generally understood thing, during the years of your connection with the society, that the privilege of selling after 1 o'clock had always to be paid for to the police? A. Not that I know of.

Q. I know of your personal knowledge, but was it the general understanding? A. I couldn't say; I never had anything to do with the bar privileges.

Vallei Braquehais, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. Are you a member of the French Cooks' Society? A. Yes, sir.

Q. Do you hold an office in the society? A. I was president for three years.

Q. Did you ever pay any money to the police on the occasion of the society giving its balls? A. Yes, sir.

Q. Will you state to us, if you please, the circumstances under which you paid the money? A. In the first year I was president, four or five days before the ball, the clerk come to my house and told me, did you forget the captain; I said, "What captain;" he said, "You know the society pay \$50 to the captain;" I said to the clerk, "Well, what way do you get the money;" he said, "I don't know;" then I gave to him \$50 in an envelope from the society; I said, "You go yourself to the captain;" I said this to Mr. Dameseaux.

Mr. Goff.—Mr. Dameseaux in court.

Mr. Dameseaux stands up in response to the call.

Q. This is the gentleman there (indicating?) A. Yes, sir; and the day after Mr. Dameseaux come in with the money; he said to me, "This is not the way to pay the captain;" I said, "What way."

Q. He said that is not the way to pay the money? A. Yes; I told him what way; well, he said, he will come and see you.

Q. He said the captain will come and see you? A. Yes, and I took the money in my pocket and I waited for the time of his coming.

Q. Did the captain come and see you? A. No, not the captain; the sergeant called for me two days after the ball; I was in the Clarendon Hotel; he come about 2 o'clock; I was out and the sergeant come in the day after just at breakfast time, half-past 10; and he say, "You remember Mr. Braquehais;" I say, "Yes, sir;" well, he said, "You know what I come in for;" I say, "How much is it;" he say, "\$50;" I give him \$50 before these people, the cook and two or three girls.

Q. Do you know his name? A. I am not very sure, but it looked like a German name; the sergeant had side whiskers.

Q. A German name do you say? A. Yes, I can not pronounce it; I am not sure of it.

Q. What sized man was he? A. About my size.

Q. If you heard the name would you be able to recognize it? A. Yes; I think it was a German name, or something like that.

Q. Was that the only money you ever paid? A. No, sir; the day of the ball, the same night at the last ball, it was at the Metropolitan Opera House about half-past 11 there come in the sergeant and tell me, "Mr. President," he say, "I have 21 men here, they want a supper." I say to him, "Well, we have supper for 2,000 people." That was my answer; he told me no,

he has no time to get the supper here but to give \$21 to the policemen; and I took \$21 from my pocket and I give it to the sergeant in the Metropolitan Opera House.

By Chairman Lexow:

Q. Do you mean a sergeant of police? A. Yes, sir; he was at the Metropolitan all night.

Q. Was he a police sergeant? A. Police sergeant; yes, sir.

Q. Did he have any ornamentation on his collar? A. He was a sergeant.

By Mr. Goff:

Q. The word sergeant on his cap? A. It was on his cap; I think he had the direction of the police for the night.

Q. Was it the same man to whom you paid the other \$50 that you paid the supper money to? A. The same man.

Q. Was that all the money you paid to the police? A. I paid \$15 for two private detectives; but I don't think they had anything to do with the police.

Q. Did you pay money at any other times? A. Every year the same.

Q. The same thing every year? A. Yes, sir; for three years.

By Chairman Lexow:

Q. And your understanding of it was that the \$50 was given to the captain, and that the dinner-money was given to the men? A. I cannot tell you.

Q. That was your understanding of it? A. Yes; if the money go to the captain I can't tell you, only the clerk told me don't forget the captain; that is all he told me.

Q. Who was the clerk? A. Mr. Dameseaux.

Charles Dameseaux, recalled, testified as follows:

Examination by Mr. Goff:

Q. Were you clerk of the society? A. Yes, sir.

Q. You are a member of the French Cook's Society? A. In one way; yes, sir.

By Chairman Lexow:

Q. What do you mean? A. For two years I had paralysis of the brain.

By Mr. Goff:

Q. The last witness on the stand said that you told him that he must look out for the captain, and pay \$50 to the captain; now, what did you tell him that for? A. It is a lie.

Q. It is a lie? A. It is a lie; because he is president; I am only clerk; he is the president.

By Chairman Lexow:

Q. You say that it is a lie because you were clerk and he was president? A. Yes, sir.

Q. Do you mean to say that was the only reason why it was a lie? A. Because he knows I don't know anything about it; I don't handle the money.

Q. Do you mean to say that did not occur at all? A. Yes, sir.

Q. You swear to that? A. Yes, sir; I swear it.

By Mr. Goff:

Q. Did you ever bring him an envelope with money in it? A. The day, about 6 o'clock, that man gave me an envelope sealed, and he told me to bring that to the captain, Reilly; I got my dinner and I gave that to my boy; he went to Thirtieth street, where the captain of police is, and he handed to Mr. Reilly the envelope; and about half an hour after my boy came back with the envelope sealed; and my boy said, the captain don't know anything about it; I put that envelope in my pocket and the next day I gave it back to the president; and meantime, I think it was money, I never looked into it; I don't know if it was money or not.

By Chairman Lexow:

Q. Just what did the boy say the captain said? A. The captain said, give that to the old man; they called me the old man.

Q. The captain called you the old man? A. I suppose so.

Q. Did you know him? A. No.

Q. Then why should he call you the old man? A. I don't know.

Q. Have you had any quarrel with Mr. Braquehais? A. No, sir.

Q. No quarrel with him? A. No, sir; he used to be my president; I have been clerk there for 15 years, and they changed the president every year.

Q. Why did you say so positively that what he said here was a lie — had any quarrel with him at all? A. No, sir; I heard him say so, and I know it was a lie.

Q. The only part that you claim that he said was wrong was that you had spoken to him about the captain first, that is the only part of the story you claim is wrong, is that not so? A. I don't understand.

Q. The only lie that you speak of is that you said here on the stand that you had spoken first about the captain? A. Yes, sir.

Q. That is the only thing he said wrong, everything else is right? A. Yes, sir.

Vallei Braquehais, recalled and testified as follows:

Examination by Mr. Goff:

Q. The book I hand you, Mr. Braquehais, is that the book you kept some accounts in at the time? A. It is only a memorandum.

Q. But you made the entries at the time? A. Yes, sir; at the time.

Q. I call your attention to the entry on page 49, and I find the item here, Police, \$50? A. Yes, sir.

Q. That is the \$50 that you have reference to? A. Yes, sir.

Q. Two detectives, \$15? A. Yes, sir; what I told you before.

Q. Central detectives? A. I don't know, but I paid it anyway.

Q. That is what he told you he was? A. Yes, sir.

By Chairman Lexow:

Q. Who told you that, this Dameseaux? A. No; the detective himself; he told me he was a Central office man.

Q. Called himself a Central office man? A. Yes, sir.

Q. Now, on another memorandum book, indorsed "Journal," I call your attention to page 3; did you make those entries? A. Yes, sir.

Q. Here I find an entry of four policemen, \$4; is that right? A. Yes, sir.

Q. And here I find, Sergeant, \$24? A. That is for 21 men.

Q. Twenty-four dollars for the 21 men? A. Yes, sir.

Q. How did they come to get \$24 for 21 men? A. They said it was for dinner.

Q. I thought it was \$1 a head? A. He said that; he asked me for \$24.

Q. I find an item here, captain, \$50, that is another \$50? A. Yes, sir.

Q. And to whom did you pay that \$50? A. Three days after the ball in the Clarendon Hotel I paid it to the man I mentioned before.

By Chairman Lexow:

Q. As I understand it you were willing to give them dinners, but that they were not willing to take the dinners, but wanted the money? A. I said we have dinner here for 2,000 if you want it; he said, no the policemen have no time now, give me \$24 and I will give it to the policemen; and I gave the money.

Joseph Weill, recalled, testified as follows:

Examination by Mr. Goff:

Q. Are you a married man? A. I am.

Q. Have any children? A. Eight children.

Q. Boys and girls? A. Two boys and six girls.

Q. How old is the eldest girl? A. She is 21.

Q. How old is the next eldest? A. Nineteen.

Q. And how old the next eldest? A. The next eldest is a boy.

Q. Well, the next eldest girl, I mean? A. About 14 I think.

Q. Did you ever take your two eldest daughters to the ball?  
A. No, sir; I did not.

Anna Newstatel, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. You are a widow? A. Yes, sir.

Q. When did your husband die? A. In 1884.

Q. Did he keep a saloon? A. Yes, sir.

Q. Where? A. He kept in Third street; he died at 213 Third street.

Q. How long did he keep a saloon before he died? A. Before he died, four years.

Q. Now, this saloon was a respectable place? A. Yes, sir.

Q. There was no women in it? A. No, sir.

Q. And there was no disorderly-house connected with it, was there? A. No, sir.

Q. Had you children? A. I had; the baby died.

Q. You and your children lived there, did you? A. I didn't have no children, my baby died.

Q. You lived there with your husband? A. Yes, sir.

Q. When your husband died did he leave you any money? A. Yes, sir.

Q. How much money? A. At that time he left me a couple of thousand dollars, and then I worked up in business, it was over \$7,000 cash when he died.

Q. Over \$7,000? A. Over \$7,000 when he died, and then I had some money coming to me, other money yet; but the whole amount was \$13,000.

Q. You had \$13,000 altogether when your husband died? A. Yes, sir.

Q. Now, did you continue the saloon business? A. I moved away from there and I took a house in 108 Rivington street; I moved away where my husband died, from the house, from Third street.

Q. Was that a saloon, did you want to open a saloon there? A. Yes, sir, it was a saloon in it, and I bought out everything.

Q. Did you want to get out of the saloon business? A. Not the same time I carried on this business in this saloon, until last May, a year ago, I moved from the house.

Q. Did you know the detectives there? A. I didn't know when I came in then; I knew them when I was in the house 108 Rivington.

Q. What were the detectives names? A. Brennan; I always knew all the time, Mr. Brennan and McCormack.

Q. Did you pay them any money? A. Yes, sir.

Q. How much? A. I used to pay \$5 monthly to Sergeant Doyle, and then Sergeant Doyle went away from there, it was a short time stopped, and after this I commenced to pay to Captain Schultz and I stayed paying until 1890; I kept a licensed saloon and then my license was revoked, and so they allowed me to sell all kind of drinks without a license.

Q. After your license was revoked? A. Yes, sir.

Q. What was your license revoked for? A. For selling liquor on a beer license.

Q. And after your license was revoked the police allowed you to sell everything without a license? A. After I paid them \$200 at the start and then \$50 a month.

Q. Now, did you pay \$200 at the start? A. I said I couldn't afford to do that, I would sooner rent out the saloon, and they said if I rent out the saloon as a store and I should live private upstairs and carry on my saloon business upstairs for half of the amount, for \$100 to start and \$25 every month and I should try that, and they will help me and see that I shall have customers enough to do business.

Q. In other words they told you you must go upstairs?

Chairman Lexow.—That is to say they would reduce the amount one-half if she would do that.

Q. By going upstairs and they would furnish you with the customers? A. Yes, sir.

Q. Did you lease the store? A. I had the whole house on lease.

Q. How much money did you give, did you go upstairs? A. I did live upstairs anyway, only I took up the bar, all kinds of drink and everything and sold it upstairs.

Q. And did you pay the \$100? A. I did.

Q. And how much a month? A. Twenty-five dollars.

Q. To whom did you pay the money? A. To Brennan and McCormack.

Q. Were the two together every time you paid it? A. Every time both together.

Q. How did you pay it? A. The \$100 was in bills.

Q. And the \$25 a month? A. They come around every month.

By Chairman Lexow:

Q. Was that in bills too? A. Sometimes gold; sometimes bills; sometimes mixed money.

Q. You sold on Sunday as well as on week days? A. Yes, sir.

Q. Now, about the custom that you had; did the detectives provide you with the custom; did they give you custom? A. No; they did not; they came in sometimes themselves and like this, only they never paid when they came in; only they allowed me to keep open any hour and all the time.



By Senator Bradley:

Q. They never paid for their own drinks? A. No, sir.

By Mr. Goff:

Q. And did the excise inspector ever come around to see you?  
A. Yes, sir.

Q. What had you to say to him? A. He says, "I cannot sell everything, and not remember him, I must once in awhile pay him too;" his name is Gardey.

By Chairman Lexow:

Q. He knew that you had no license? A. Yes, sir; he took the license away himself.

By Mr. Goff:

Q. Was not the inspector's name Dougherty? A. No, Gardey; I forget his first name; his name was Gardey; many and many a time he took off me fives and tens.

Q. Many and many a time he took off you five and ten dollar bills? A. Yes; for several years.

Q. And you knew him well? A. Yes, sir.

By Senator Bradley:

Q. You would know him if you saw him again? A. Yes, sir.

By Mr. Goff:

Q. Did you, while you were running this little saloon business upstairs — were you taken sick? A. Yes, sir.

Q. What became of you when you were taken sick? A. I was sick a long time in the same house in Rivington street; and then I gave up the house; the lease and everything; and I moved away from there; and that was on the 1st of May I moved; I moved away to 87 Clinton street; and the same man what introduced himself, the janitor of this house where I moved in, was living on one of the floors; and he says, there are empty rooms. and I moved my furniture over there instead of storing it until I came back from the hospital.

Q. What was this man's name? A. Harry Blaustein.

Q. At 87 Clinton street? A. Yes, sir; and at the same time a

woman came to tell me at the hospital that my rooms were empty; on the 5th of May I left this place, and she come and said Blaustein sold everything I had in there; and I went away from the hospital half sick yet, only I said to the doctor I must go; then I came and I had no home no more; my rooms where I had paid the rent was everything out; and the rooms were rented to another party, and I said nothing; only I went to Mr. Brennan and I said, Mr. Brennan —

Q. The detective? A. The detective; my ward detective; I said, Mr. Brennan, do me this favor and see how I can see to this to get back my things; and he said, that don't belong to our ward; that is the Thirteenth ward; go to Officers Hussey and Shelvey and tell them that I sent you there and they shall do what is right about getting your furniture; and I came there and Hussey said, "How much would it be worth if I attend to it;" and I said, "See to it because I am sick, and I can't run around very much myself; I will give you \$50," and he went over with me the same night to this Blaustein in the house where he was; my rooms was rented only it was the same things yet in his rooms belonging to me; and then he says to me he will talk to him and I should go toward the station-house; Mr. Hussey said, you go toward the station-house, and I will bring this man; then Mr. Blaustein walked with him down stairs, and before I did go to the station-house, I looked back and I see where Mr. Blaustein handed a \$2 bill to this Hussey.

Q. To Hussey? A. To Hussey, and I went to the station-house, I came to the station-house and Shelvey said, "We will wait until Hussey came," and Hussey came and he said, "Oh, this is not so, that woman is wrong altogether, she sold him all those things;" I said, "No it isn't so; how would I sell and pay my rent from the 5th of May to the 22d of May to keep it so, and I never sold nothing to him;" he said, "You go home now and go to-morrow to Essex Court;" the next morning I did go to Essex Court; so this Harry Blaustein had some kind of person there to say I sold something, but I never sold anything, and Hussey was with him and Judge Koch was this time on the bench and Mr. Clancy came.

Q. Is that Alderman Clancy? A. Alderman Clancy, and I said, "I expect he will be a friend as he always, as I gave him my diamonds to save."

Q. To Clancy? A. Yes, sir; and I said to Mr. Clancy, "Would you do me a favor, I ain't able to speak there enough as the judge would listen to me as good as if I had a counsel;" he said, "Yes, I will be up there," and he said to Mr. Fredericks, the intrepeter, you go there and tell the judge as he shall take no interest into this case, and when I was to come up the judge said, "What is it;" I said, "Here is such and such a case happened to me, such a robbery," and he said, "You must go to Goldfogle with this case;" I said, "Your honor, this is a criminal case;" he said, "I won't have you dictate to me about the case; I haven't nothing to do with the case;" I went away then and I went before another judge, and the next judge gave me a warrant for this Harry Blaustein and put him under bail, and he was bailed out, and I could never bring up this case in the district attorney's office any more, and I went over to Clancy and I said, "How is it I can not have my furniture and can not have my home, and I have all the papers and my books and everything in my rooms, and the papers and all and I never had a chance to bring that up, and they always kept, or if they put it in the calendar on such a day it was never tried, and all this, and I never could try this case as it was, so it was held not to come up before a justice."

Q. You have said that you gave Alderman Clancy your diamonds to keep? A. To save.

Q. While you were in the hospital? A. Yes, sir.

Q. What was the value of your diamonds? A. The value of the diamonds is \$300 I paid.

Q. Did you get your diamonds back? A. I didn't get the diamonds back when I came there first; he said, "What do you want diamonds; you don't want diamonds; you are sick and poor and better go to some home;" I said, "A home wouldn't take me; I am able yet to make a living for years and want my diamonds to pawn them"; before pawning them, he said, "sell them and I will buy them;" I said, "All right, I will sell them; he wouldn't return them to me;" he said, "You come some other time, I have got them home;" and I came a couple of times and he couldn't find them; and when I see he holds them like this, I brought the same man that I bought the diamonds of.

Q. What was his name? A. Kornerisch; and Mr. Clancy laid the diamonds down on the table; and it was not the same diamonds as I gave him.

Q. You mean to say that Alderman Clancy kept your genuine diamonds, and gave you— A. The others, yes, sir.

Q. And gave you the imitation diamonds? A. My diamonds I had was stones; it was only the stones alone I gave him; and then he gave me in a couple of days after such diamonds; it was not the same, with gold in it for the earrings; and the man knows him where I said I bought the diamonds of—I see myself it is not the same stones; I said, "What do you have the diamonds with gold in them; I gave them to you without gold;" and he said, "You will have to pay me for the gold;" and I said, "I don't want your gold, it is not the diamonds;" he said, "This is the diamonds;" I said, "It is not;" he said, "I will buy them if you are willing to sell them for \$150;" I paid \$300 and the same man would return the \$300 for the same diamonds; at the same time I needed money, and he said he would give me money and I thought before not getting anything I would take \$150.

Q. Was there anything ever said to you about people registering from your place to vote? A. Yes, sir.

Q. Who said anything to you? A. Mr. Clancy; I had a citizen paper, and the bar-keeper was not there any more.

Q. Whose citizen paper was it? A. My bar-keeper's; his name was Martin; he said, "How many votes will you have; how many men to register."

Q. Alderman Clancy came to you and asked you what? A. How many men will I be able to give up this year for the election to be registered.

Q. How many men you could register? A. Yes, sir; I said, "I have here a paper and I don't know where Martin is;" he used to know Martin; he said, "Have any man at all, have him register, give him \$5 and he shall vote, and give him what it is necessary again to register on Martin's paper."

Q. And you didn't know where Martin was? A. No.

Q. Did any one go to vote on his paper? A. I had one to register, but not to vote; he didn't vote.

Q. But you did that under Alderman Clancy's instructions? A. Yes, sir.

Q. Did you do that more than once? A. No, sir; I don't remember any such a paper, not anything like this.

Q. Were you ever arrested? A. At the time when it was not allowed, music in a licensed place; before I did pay such a large amount they arrested me many and many a time.

Q. And where were you brought when you were arrested?  
A. In Essex Court.

Q. Essex Market Police Court? A. Yes, sir.

Q. Did you meet any newspaper men there, reporters? A. Yes, sir.

Q. Do you know one reporter? A. I know one.

Q. What is his name? A. Isidor Dreyfuss.

Q. Did he do anything for you there? A. I don't know; he was always bad against me; he never advised me, but tried to harm me as far as he could.

Q. Did you ever pay money in Essex Market Police Court?  
A. In Essex Market; I did not.

Q. Did you ever pay for bail? A. No, sir; to bail me I always had friends; and many times I was discharged; all my cases was generally dismissed.

Q. Did you ever bail any one yourself? A. Yes sir.

Q. Did you ever pay them when bailed? A. I did pay many times to Frederick, not me; only the same man that was bailed out paid a little amount to Frederick, the interpreter.

Q. Frederick is the interpreter of the court? A. Yes, sir.

By Chairman Lexow:

Q. What did you pay that for? A. Only just to bring us sooner before the judge.

Q. To facilitate and expedite the matter and make it more rapid? A. He wanted it every time, and if I didn't make the people give him a dollar, then he says he don't know me, and always against me like this, if he didn't receive the dollar.

By Mr. Goff:

Q. What became of the \$13,000 you had when your husband died? A. I gave to my relations; I spent very much when I was sick, and like this; I sent home to Europe to my mother and to my relations; I brought money over to this country.

Q. When you gave the police the \$100 and \$25 a month, did you make money at that time? A. Yes, sir.

Q. You are not in business now, are you? A. No, sir; I used to pay \$25 a month and I couldn't afford it; I didn't take in enough; and I had to pay anyway; so that made me move out of the house and give up everything.

Q. How long is it ago since Alderman Clancy asked you to

have a man register? A. It is about four years ago this last election — say four years ago.

Q. Has anyone been talking to you about your testimony here, did anyone tell you not to testify here? A. No, sir.

By Senator Bradley:

Q. Do you mean to give us to understand in regard to the diamonds that your broker, the man of whom you bought the diamonds, offered to take them back for \$300? A. He said I shouldn't give them cheaper; he would give me the money back again.

Q. And Alderman Clancy only gave you \$150 for them? A. Yes, sir.

Mr. Goff.— Is ex-Officer Muldoon here?

Mr. Muldoon stands up in response to the call.

Patrick T. Muldoon, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. Are you the "original solid man?" A. People say so.

Q. It was about you the song was written, "Muldoon, for he is the solid man?" A. Yes, sir.

Q. You were on the force at the time when that song was written? A. I was, sir.

Q. You were on the Broadway squad? A. No, sir.

Q. What precinct were you in? A. I was in the Twenty-sixth.

Q. How long is it since you have retired? A. Four years last April; five years the 16th of April coming.

Q. You are in receipt of a pension? A. Yes, sir.

By Chairman Lexow:

Q. How much pension? A. Six hundred and fifty dollars.

By Mr. Goff:

Q. Six hundred and fifty dollars a year — are you in business now? A. No, sir.

Q. Are you engaged in any occupation? A. No occupation whatever.

Q. Living exclusively upon your pension? A. Living exclusively upon my pension.

Q. How old were you when you retired? A. Sixty.

Q. And how many years had you served on the police force? A. Thirty-one years and six months.

Q. You are a pretty strong, healthy man, are you not? A. I am very healthy, but my legs are sore; I got wounded in the July riots of '63; in the draft riots; got my leg hurt.

Mr. Goff.— We have matters, Mr. Senator, which I wish to devote some time to, and they have a very important bearing upon the work of this committee; it is too late for us to-night to enter upon them; I will ask you before adjournment to notify all officers, or ex-officers who are here, to attend on the adjourned day without further notice.

Owing to some engagements, I ask for an adjournment until Tuesday morning, so that we may take the balance of next week unbroken.

Chairman Lexow.— All witnesses subpoenaed for to-day will attend here again on Tuesday morning at half-past 10 o'clock. The committee will stand adjourned until that time.

Proceedings of the sixty-third session, December 11, 1894, at 10:30 a. m.

Present.— Senators Clarence Lexow, Daniel Bradley, Edmund O'Connor, Cuthbert W. Pound and George W. Robertson. John W. Goff, Frank Moss and W. Travers Jerome, of counsel for the committee.

Mr. Moss.— Mr. Chairman, we desire this time to call attention of the committee to the subject of police pensions. The present law may be found in the Consolidation Act at section 309, and in the succeeding section. In the laws of 1882 provision was made for the creation of a fund, chapter 330 of the Laws of 1882, which applicable to the payment of pensions of policemen, who should have the right to be retired when they had served 20 years upon the force regardless of physical conditions, regardless of any consideration except the term of service; and the words used in the act are arbitrary. In the year 1885, reading now from the official records furnished by the police department, the amount paid to pensioners was \$250,985.93; in the year 1886 the amount paid was \$320,949.18.

Your Honors will notice the annual increase. For the year 1887, the amount was \$369,911; for the year 1888, the amount was \$414,276.54; the year 1889, the amount was \$426,130.61; the year 1891, the amount was \$453,392.55.

Senator O'Connor.—Is there any provision in the law giving the city authorities right to call pensioners who are disqualified there to do duty to serve in cases of emergency.

Mr. Moss.—No; nothing of the kind.

Senator Pound.—From what source do these moneys come?

Mr. Moss.—They come from various sources to which I will call your attention. The original act of 1882 provides various sources, but they have proved inadequate. As the expense increased from time to time additional remedies had been provided; and at present, with the great prospected increase, there is an uncertainty about the means of revenue, so that the police authorities themselves are at loss to know what to do to provide for the increase.

Senator O'Connor.—Up to this time the principal revenue has come from the policemen themselves.

Mr. Moss.—Only in part, a small portion. Continuing these figures of increase, in the year 1892 the amount expended was \$509,497.80, and in the year 1893 the amount expended was \$563,485.74; so that since 1885 down to last year the increase has been from \$250,000 to \$560,000. Chapter 330 provided that the pension fund should be drawn from the capital interest, income, dividends, cash deposits, securities and credits from the police life insurance fund which was created, or fines imposed upon members of the police force, all rewards, fees, gifts, testimonials and emoluments presented to the police force, all lost, unclaimed or stolen property remaining in the possession of the property clerk and not claimed; a sum of money not exceeding four dollars per month from each member of the police force to be paid monthly to the treasurer. While there was an arbitrary right to the policeman to be retired after 20 years of service, it was permitted to a number to retire himself who had served 10 years and less than 20 years when they were physically disabled. In the year 1884 an additional source of income was provided. All moneys derived and received from licenses or certificates granted for licenses to engineers, licensing engineers to run steam boilers is done by the police department. All engineers in this city have to take out licenses and their fees go into this pension fund; also 25



per cent. of all license money collected by the board of excise. This goes in under the act of 1884. Also all moneys collected by the superintendent of police for permits to carry pistols at \$2.50 a piece; also the fees for all permits to hold mask balls. You will observe that originally it seemed to have been designed that this pension fund should be maintained by the police themselves, but the income being absolutely insufficient for it, these additional sources of revenue began to be tacked upon it, so that there have been diverted to it moneys that should be applicable to the reduction of the taxes of the people, moneys which if not applied to this pension fund would go into the city treasury and be applied to the expenses of the government. In 1885 an additional act was passed providing that any and all unexpended balances appropriated for payment of salaries or compensation of the police force, remaining unexpended or unapplied, after allowing claims payable therefrom. The Steam-boiler Law was amended that year so as to tax owners \$2 a year for all steam-boilers owned by them; and that money was applied to the pension fund. In 1885 the law was amended so as to permit the retirement of men over 60 years of age; and the pension of \$2,500 was arranged for the superintendent and \$1,750 a year for the inspectors; and 25 per cent. of the excise moneys that were provided for in the year 1884 were limited in the act to \$125,000 — at least the amount that might be drawn from that for the pension fund; but that was raised in 1888 to \$200,000; and in 1889 the limit was raised to \$150,000; and in 1890 the pension of a captain was fixed at \$1,375. In 1891 the Legislature added another source of income. All moneys realized and derived or received from the sale of any condemned or unserviceable property belonging to or in the possession of the police department. In 1892 the superintendent's pension was increased to \$3,000. Chief inspectors, \$2,500. In 1892 the board of estimate and apportionment was empowered by the Legislature to appropriate enough money from the public funds to make up any shortage there might be in the pension fund, in that or any succeeding year. That began to open the door pretty widely. In 1893 it was enacted that one-half the fines and penalties collected from violators of the laws governing the sale of impure foods came to the pension funds; and then the police association was taxed two per cent. on their salaries. Last year, 1893, according to this record, the board

of police retired and pensioned 105 officers, 27 widows and three orphans, and during the same period struck off from the roll 39 officers, 10 widows and 10 orphans. At the date of this report, which is February 6, 1894, there were upon the pension roll 760 retired officers, 387 widows and 29 guardians, representing 47 orphaned children, making a total of 1,194 pensioners. I have talked with Major Kipp this morning who has promised to bring down some memoranda from headquarters; and the substance of the conversation is that there were some 30 odd applications now pending, and that there are over 500 men on the force who have reached the retiring age, and for whom it is claimed they have a right to enforce their retirement on pension. It is also a matter of general notoriety that a large number of these men, some 200, it is said, are waiting until the 1st of January, when the increase of salary takes effect, and when they will receive a larger pension, in proportion to the rate of salary which will come in force on the 1st of January.

Senator O'Connor.—Is it the purpose of this to have the law amended to take these pensions away from them?

Mr. Moss.—I do not imagine you can take the pensions away from those who are entitled to them now, that is a vested right; but it is a subject for us to consider for the future. Now we should provide a proper pension fund. I suppose there would be a proper pension fund; but how we should provide wisely in the future, how we should give an honored term of service of these men, and get the benefit of their services when they are in the ripe age of middle manhood, and how the enormous increase of this pension may be wisely, and fairly, and strictly arranged, so that it may not become an intolerable burden that is in prospect. There has been no year in which the expense has decreased. There has been a regular and large increase every year, and the fund is in the process of bankruptcy now.

Senator Pound.—In the nature of things that must continue to be so.

Mr. Moss.—It must continue to be so.

Senator O'Connor.—What is the maximum age they can be appointed?

Mr. Moss.—I can not answer that.

Senator Bradley.—Twenty-four.

Mr. Moss.—Thirty-five, I am told; and that would be 55.

Senator O'Connor.—A man of 55 years old ought to be in the vigor of his strength at that time.

Mr. Moss.— And would be if he is an inadministrative officer. A captain, a superintendent or an inspector at 55 may be a deal better than at 35.

Senator Bradley.— Is not a man 24 years of age eligible to the force?

Mr. Moss.— Yes.

Senator O'Connor.— He must be 24 years of age, and not to exceed 35.

Mr. Moss.— We shall call some of these retired officers, not to cast any reflection on them. We want them to understand that, but merely to see the practical working of this law. A great many of these men we would be pleased to see on the force to-day, and many of them would honor the force now. Some of these men are specially commended by their records, and we shall not seek to detract from the records they have made. It is only a great pity, in these days, we have not their services in the department.

Senator O'Connor.— Have many of these men been obliged to retire on account of age; is it a forced or voluntary retirement?

Mr. Moss.— Voluntary retirement.

Senator O'Connor.— The police commissioners may retire themselves after they have served this length of time.

Mr. Moss.— Yes; we do not mean to call men whose retirement have been forced upon them by reason of age or infirmities; I have excused a number who are manifestly infirm.

Charles U. Combes, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. Where do you live? A. I live at the present time at 1778 Bathgate avenue.

Q. What is your business? A. I am special officer of the National Shoe and Leather Bank.

Q. At 271 Broadway? A. Yes, sir.

Q. You are on duty there every day, aren't you? A. Yes, sir; except Sundays.

Q. What time do you go to work? A. I arrive there about half-past 8 or quarter to 9, sometimes.

Q. How long do you stay? A. Sometimes 5 o'clock; sometimes 6 o'clock.

Q. What are your duties there? A. Look out for suspicious characters and see that none of their depositors are molested in going in and coming out, and also to keep out all peddlers and beggars; and then I go down with a messenger to the clearing house, treasury and banks during the day.

Q. To guard him while he is taking money? A. Yes, sir.

Q. Your position is a responsible position there, is it not? A. Yes, sir.

Q. And you are called upon to take hold of characters who need to be restrained? A. Yes, sir.

Q. And do as action requires? A. Yes, sir.

Q. How long have you held that position? A. Since the 1st of March, 1893.

Q. Prior to that you were a policeman? A. Yes, sir.

Q. Of what grade? A. March, 1894; I guess it was.

Q. This last March? A. Yes, sir; the 1st of March, 1894.

Q. Were you a policeman up to that time? A. No, sir; I was retired from the force on the 11th day of November, 1893.

Q. What did you do between that time and your appointment to the bank? A. I was not doing anything at that time.

Q. You were looking for something? A. Yes, sir; looking for work.

Q. What grade did you hold in the service? A. Sergeant of police.

Q. Where were you stationed? A. I was stationed at the time of retirement at the Jefferson Market police court.

Q. Were you in charge of the squad there? A. Yes, sir; I was.

Q. How long had you charge of that squad? A. I went there on the 11th day of November, 1886, and was retired on the 10th day of November, 1893 — seven years.

Q. You did not have to do patrol duty in that position? A. No, sir; not patrol duty; extra duty sometimes.

Q. Your duty was mostly indoors, was it not? A. Only on some occasions when I was called out at night.

Q. To execute warrants? A. No; not exactly that; sometimes political meetings I had to go to with the men; other occasions where the duty required it.

Q. How did you come to be retired? A. On my own application.

Q. You desired to get out of the force? A. Yes.

Q. And go into business? A. Yes; I thought it was about time I got retired; I had had sufficient of the police department.

Q. How long had you served when you made your application?  
A. About 26 years and a half.

Q. What is your age now? A. I am 50 years—50 years last June.

Q. You are not suffering from any illness or constitutional disturbance? A. Not that I know of.

Q. In good health? A. In good health; yes, sir.

Q. And your record in the department was a good one, as I understand? A. I think so; yes, sir.

Q. Very few complaints, if any, against you, were there?  
A. Well, there was a few when I was patrolman, that was dismissed when I was sergeant, and one reprimand when I was a sergeant.

Q. For being late? A. Yes; I was detained at that time; I could not help it, sir.

By Senator O'Connor :

Q. You simply availed yourself of the right the law gave you? A. Yes, sir.

By Mr. Moss :

Q. What is the amount of your pension? A. One thousand dollars.

Q. You draw a thousand dollars a year from the city, or from the pension fund rather? A. From the pension fund; yes, sir.

Q. Would you object to telling us what you draw from the bank? A. Well, I suppose the bank officials would not like for me to tell; of course I am not doing quite as well; if you want it I can tell you.

Mr. Moss.—No.

Senator O'Connor.—We assume you would be paid what you were worth.

The Witness.—The first year you do not get as much as later on.

By Mr. Moss :

Q. You are satisfied? A. Yes, for the present.

Alfred P. Schultz, called as a witness on behalf of the State, being duly sworn, testified as follows :

Q. Where do you live? A. I live at 414 West One Hundred and Forty-seventh street.

Q. What is your present employment? A. I am a clerk in the National Park Bank, a safe deposit vault.

Q. How long have you been in the National Park Bank? A. I have been there for about 14 years, I think, sir, 14 or 15.

Q. Fourteen years in the Park Bank? A. Yes, sir.

Q. As an employed agent or servant of the bank? A. I was detailed there for some time, some four or five years, and then upon my term — my twenty years' term expiring, I was retired.

Q. When were you retired from the police force? A. I was retired about the 1st of June, 1880.

Q. The 1st of June, 1880, you were retired? A. Yes, sir.

Q. How long had you been detailed at the Park Bank prior to that time? A. I think about eight or nine years, sir.

By Senator O'Connor :

Q. Prior to your retirement? A. Yes.

By Mr. Moss :

Q. You mean to say you had been sent by your superior to do duty at the National Park Bank for eight or nine years before your retirement? A. Yes, sir.

Q. You were then a policeman? A. Yes, sir.

Q. Did you go in uniform? A. No, sir.

Q. In citizen's clothes? A. Yes, sir.

Q. You were in the pay of the police department at the time? A. Well, I was under the pay of the police department, but the bank paid my salary to the department.

Q. The bank paid your salary to the department? A. Yes, sir.

Q. Who did the bank pay the money to? A. They paid to the treasurer of the police department.

Q. Do you know that personally? A. Yes, sir; I know that to be a fact, sir.

Q. Who spoke to you about making such an arrangement first? A. One of the directors of the bank, sir.

Q. Did he ask you if you would serve at the bank? A. I applied to him for the position.

Q. You went to the bank? A. Yes, sir.

Q. You asked for the position of watchman or guardian of the bank's affairs there? A. Yes, sir.

Q. As a police officer? A. Yes, sir.

Q. That was an inside position, was it? A. Yes, sir.

Q. You were not on the street at all? A. Well, excepting going to the treasury and clearing house; but mostly inside, sir.

Q. A very desirable position in your eyes, wasn't it? A. It was pleasanter than outside duty.

Q. Do you know who was seen at headquarters about making that arrangement? A. Yes, sir; Superintendent John A. Kennedy.

Q. And that arrangement was convenient under what other superintendent? A. I think it was continued under Superintendent Young, John S. Young.

Q. And did it go to Mr. Murray's administration? A. No, sir.

Q. You were retired before Mr. Murray? A. Yes.

Q. Are you sure of that? A. I will say I'm not quite positive, but I think so.

Q. Have you any personal knowledge about the bank paying the money to the treasurer of the board? A. I have, sir.

Q. You know that? A. Yes, sir; I have taken a check there myself; they paid my full salary there every month.

Q. When did you make your application for retirement? A. In May, 1880.

Q. What position did you hold at that time in the court? A. I was patrolman.

Q. What pension was allowed you? A. Five hundred dollars.

Q. That was one-half of your salary? A. No, sir; it was less than one-half; but there were a few men at that time retired on less than half salary, at the rate of \$500 a year, and I was one of that number.

Q. What is the ground of your application? A. Well, the personal grounds of my application were that I was incompetent to do patrol duty; I had a very severe—that is well, I will go further back than that; I will say one of the grounds for my asking for a detail was that I had an attack of inflammatory rheumatism which laid me up three months, leaving me very lame.

Q. That was upon the application to be detailed to the bank? A. Yes, sir.

Q. I am asking for the ground of retirement? A. Twenty years' service.

Q. But in the bank you had done duties as patrolman for eight or nine years? A. Yes, sir.

Q. What was the ground of your application for retirement when you were doing inside service? A. My fulfillment of 20 years' service.

Q. You felt you were entitled to it under the law? A. Yes, sir.

Q. And you have done your duty in the bank ever since, have you not? A. I have, sir.

Q. Every day except Sundays and holidays? A. Oh, no; I would not say that, because I have been sick some and incapacitated.

Q. What is your age now? A. I am in my sixty-first year.

Q. And so when you were retired you were 50 years old?

By Senator O'Connor:

Q. Forty-eight, you said, 13 years ago? A. No; 14 or 15; I think I was about 46 or 47 years old when I was retired.

By Mr. Moss:

Q. Do you ride a bicycle? A. Yes, sir.

Q. It is getting to be very fashionable, and I notice two of the counsel are riding bicycles and I think I shall have to learn? A. Yes, sir; a great many older men than I ride it.

Q. Have you any objection to telling me what your salary is? A. I would rather that the bank would answer that.

Senator O'Connor.—I do not think that they ought to be required to answer a question of that kind for we assume they are paid what is ordinarily paid for work of that kind.

Mr. Moss.—I do not ask any one to tell it if they object.

Peter Kenny, called as a witness in behalf of the State, being duly sworn, testified as follows:

Q. Where do you live? A. Five hundred and eight Canal street.

Q. What is your business? A. Liquor business.

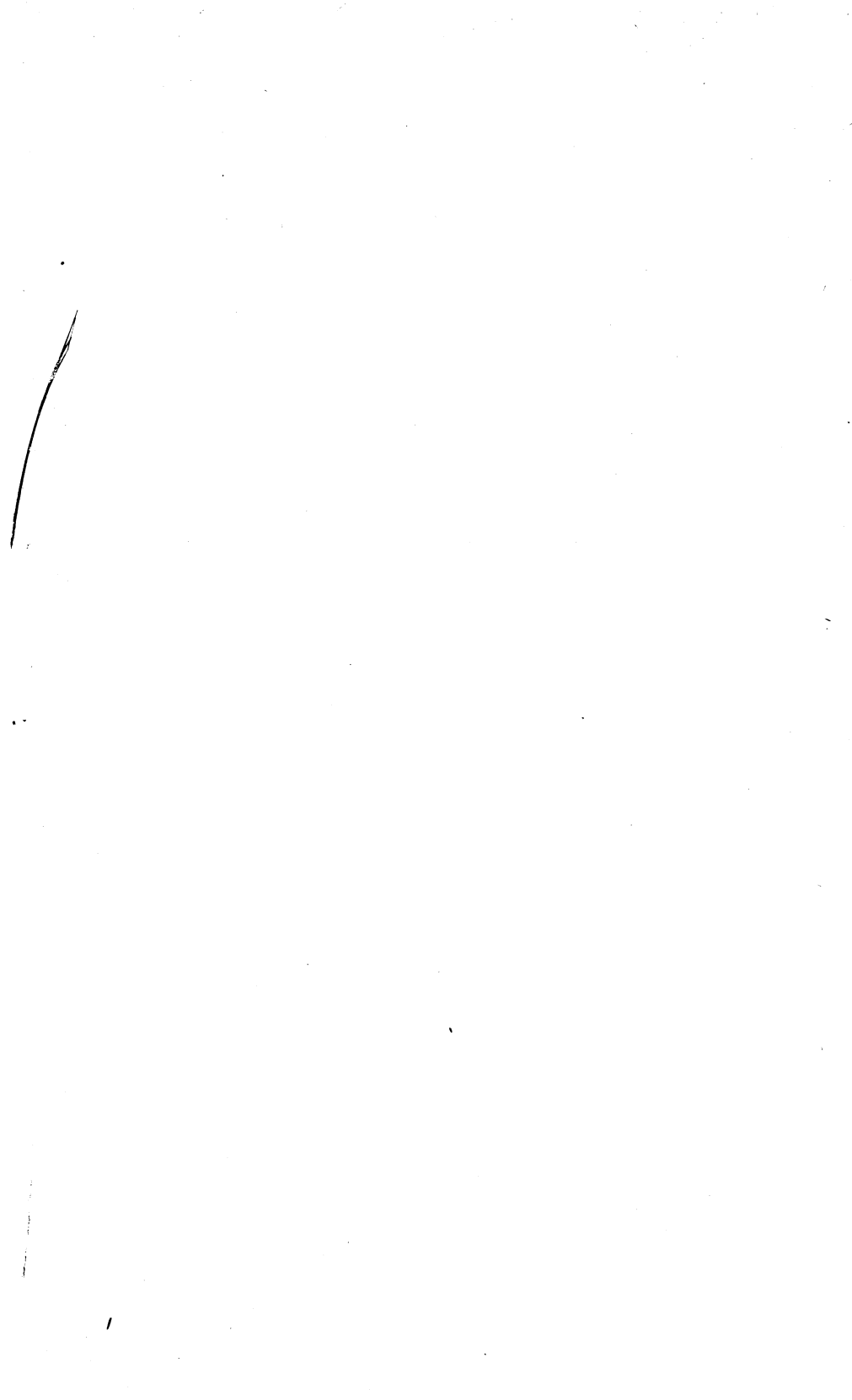
Q. You keep a liquor store? A. Yes, sir; for a short time.

Q. You were a police officer? A. Yes, sir.









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